





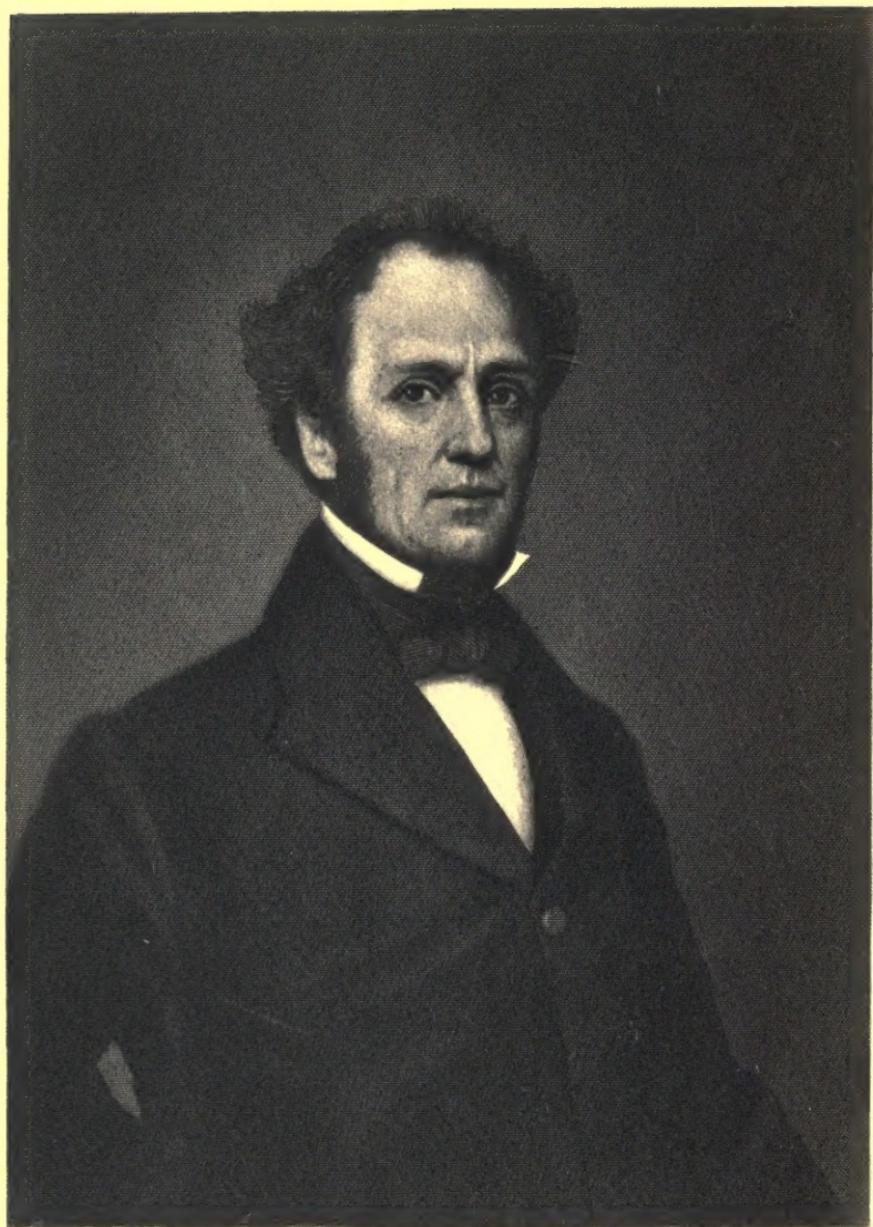
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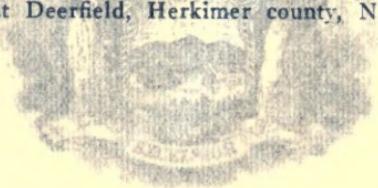
Walter Symonds  
J.S.

# HISTORY OF THE STATE OF NEW YORK POLITICAL AND GOVERNMENTAL

EDITED BY  
HORATIO SEYMOUR

RAY B. SMITH

Horatio Seymour, 20th and 24th governor (1853-4; 1863-4); born at Pompey Hill, Onondaga county, N. Y., May 31, 1810; lawyer; military secretary to Governor William L. Marcy; member of assembly, Oneida county, 1842; mayor of Utica, 1843; member of assembly, 1844-5; defeated for governor, 1850; elected, 1852; defeated by Myron Holley Clark, 1854; again elected in 1862 and defeated for reelection by Reuben E. Fenton, 1864; candidate for president in 1868, defeated by Ulysses S. Grant; died at Deerfield, Herkimer county, N. Y., February 12, 1886.



VOLUME III

1865 - 1896

BY

ROSCOE C. E. BROWN

THE SYRACUSE PRESS, INC.  
SYRACUSE, N.Y.  
1922

HOTATO SEMOCH

Horatio Seymour, 20th and 24th Governor (1837-4; 1847-5);  
son of Peter Hill Seymour born N.Y., Mar. 31, 1810;  
lawn at Minerva Society of Engineers, Utica, N.Y.;  
member of Assembly, Oneida County, 1845; Mayor of Utica,  
1853; member of Assembly, 1844-2; delegate to Convention 1844; editor  
of "Utica Journal," 1828; delegate to Madison Valley City Council 1824; elected  
Speaker in 1825; and delegate to convention of Republicans of Chenango Co.  
1844; candidate for Lieutenant Gov. in 1848, defeated by Ulysses S.  
Grant; died at Cooperstown, Herkimer County, N.Y., September 15, 1888.

Horatio Seymour

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## FOREWORD

With the close of the Civil War, the Republican party, formed in 1854, unsuccessful with Fremont as its standard bearer in 1856, successful in 1860 under the leadership of Lincoln, had become well organized and established as one of the two great parties. The opposition necessarily remained with the Democratic party to which the former pro-slavery states naturally attached themselves politically.

In New York the relative strength of the two parties was so evenly balanced that there arose between them a titanic struggle for supremacy that has since unceasingly continued.

In accordance with the spirit of the times each party was organized upon strict military principles of obedience and discipline. The supreme commander exercised absolute authority during his reign, overthrown as a result of masterful intrigue or bitter open revolt. The victor showed no mercy to the vanquished, and was met in turn with determined vindictiveness. Without a clear understanding of this fundamental principle in organization of each of the leading parties, the intra-party contests led by the Republican leaders Fenton, Conkling, Platt, Hendricks, Odell and Barnes and the Democratic leaders, Seymour, Tilden, Hill, Kelly, Croker and Murphy would lose their real significance.

The military plan of party organization has gradually become decadent. The leaders under the old order have either passed away or been retired from active participation in public affairs. The first to recognize that public sentiment would soon demand that in party government absolutism must yield to tolerance was Thomas C. Platt, the "easy boss" of the Republican

party. His example was followed by Charles F. Murphy, the recognized leader of the Democratic party, now the only political leader who, since the retirement of Platt, has had any permanent tenure of state-wide political power or control.

The Civil War wrenched the financial and industrial stability of our Nation to its very core. The resultant conditions resembled closely those now existing in Europe, only reversed. The United States then the debtor nation, is now the creditor nation. The same problem, however, that now faces the European allies then faced us. Utter paralysis in the South; necessary nullification of the debts of the Confederacy; repudiation by its several states of their obligations; deranged industries in the North; inflated currency; prices of labor and commodities on an abnormal basis; followed by unwarranted expansion of speculative values, resultant collapse of credits, panic and ultimate return to sanity and common sense.

These problems, involving a tariff adequate to protect our industries and workingmen against foreign competition; freedom of national obligations from unjust tax; resumption of specie payments; redemption of our currency in funds having a world-wide accepted monetary standard of value upon a gold basis—all stand as a monument to honesty in financial dealings, fundamental to business or governmental success and mark an accomplishment of world-wide national achievement and influence equalled only by the spirit of forgiveness to our foes and humanitarianism which has since been the dominating force and true keynote of our national policy in dealing with the nations of the world.

R. B. S.

## CHAPTER 1

### INTRODUCTION

1865-1920

THE history of New York in the last half-century reveals two strongly marked tendencies that have greatly influenced the shaping of the government and the character of politics. One is the sharpened contrast between the partisan complexion of the metropolis and that of the rest of the State. The other is the tremendous increase in the activities of government and the growing, though often halting, tendency toward the centralization of power.

The alignment of an overwhelming vote in New York City against an almost solid array of rural counties came only after the Civil War. Before that time, indeed, the Tammany Society had become the strongest single political factor in the city and dominated the local Democracy. Nevertheless, its sway was not unchallenged. Van Buren carried the city in 1836 by less than 1,100 plurality and in 1840 by only 1,000. Four years later Clay lost it to Polk by only 2,000 and in 1848 Taylor had about 3,000 more votes than Cass and Van Buren together. The great influx of immigrants and the liberal attitude of Tammany toward their early naturalization increased the Democratic vote. On the other hand, New York City was the stronghold of the

native American movement, and in 1856 gave more votes to Fillmore than to Fremont. The native-born mechanics and laborers looked with the same disfavor on the introduction of Irish and German workers that the descendants of these earlier immigrants now manifest toward new arrivals with different standards of living. "Know-Nothingism" was strong with the men in the shipbuilding trades, dwelling in the lower east side of the city in what afterward became Tammany strongholds. These people later moved wholesale to the Greenpoint section of Brooklyn and there were a factor that both parties reckoned with in the formation of their tickets for many years. Neither the Whigs nor the Americans went to the Republican party in the same proportion in the city as in the country. The Whig merchants shared the commercial ties of New York with the south. They were also conservative and by temperament distrustful of the radicalism of the Republican stand against the extension of slavery. So even at the height of the Civil War the Union party, into which the Republicans temporarily merged themselves, was in a hopeless minority. Tammany with its thorough organization and great city patronage grew steadily; for an opposition with no chance to win and with no local patronage except the minority appointments held by the favor of its enemies naturally tends to demoralization. Outside the metropolitan district the Republicans fell heir to the old Whig counties in northern, central, and western New York: Cayuga, Cattaraugus, Allegany, Chautauqua, Saratoga, Washington, Essex, Franklin, Cortland, Tioga, Broome,

Genesee, Livingston, Ontario, Wyoming, Monroe, Orleans, and Niagara. Old Democratic counties of strong Barnburner tendencies, like St. Lawrence, Herkimer, Oswego, Oneida, Onondaga, Steuben, Tompkins, Wayne, and Yates became firmly Republican on the war issue.

A succession of resourceful Republican leaders consolidated the rural organizations into a compact, centrally dominated body. Reuben E. Fenton, Roscoe Conkling, Thomas C. Platt, Benjamin B. Odell, Jr., and William Barnes, Jr., were all adepts in the historic method of New York politics, which both parties inherited from the days of Burr, the Livingstons, and the Clintons, and which Thurlow Weed perfected in the Whig party and the Albany Regency under Samuel A. Talcott, William L. Marcy, and Benjamin F. Butler perfected in the Democratic party. It was the method of military discipline, centrally supervised nominations and strict control of patronage and legislation for party ends. Wisely and honestly used, as it often was, it gave great cohesion to party action and accomplished great public benefits, but it tended to develop the narrow intolerance and the autocratic and ruthless abuse of power for selfish or commercial purposes that are associated in the public mind with political "bosses." In its earlier days this type of leadership had to contend with factional fights and rival ambitions. When organizations were unofficial, guerilla warfare was simple. The development of the official party ballot, the officially regulated caucus, and finally the legally defined party machinery and direct primary has put a premium on

regularity, outlawed faction, and made the possessors of the party organizations of both parties almost invincible. Working along these lines the Republicans consolidated country sentiment, strengthened country organizations, and solidified that traditional "up-State" majority, the size of which, balanced against the equally sure Democratic majority in New York City, has so long made the State the uncertain center of national interest.

But the Democracy has been by no means merely, or mainly, a New York City party. From the days of the Albany Regency down through the time of division between "Hards" and "Softs," the majority of the great Democratic leaders were "up-State" men. Among them were Martin Van Buren, William L. Marcy, Silas Wright, Azariah C. Flagg, Samuel A. Talcott, Samuel Beardsley, Greene C. Bronson, George P. Barker, Daniel S. Dickinson, and Horatio Seymour. Just before and during the Civil War Dean Richmond was the most powerful figure in the Democracy of the State. Samuel J. Tilden succeeded to his leadership. Tilden was a New York City man, but his traditions were those of Van Buren and the Regency and his leadership was one of warfare against the Tweed forces that were at that time using Tammany for their own corrupt ends. Even in the Republican counties, strong and sometimes successful organizations were maintained by Tilden's great organizing ability, and the counties of Albany, Chemung, Columbia, Greene, Otsego, Putnam, Rensselaer, Schoharie, Seneca, Sullivan, and Ulster, in addition to the counties near the metropolis, Kings,

Queens, Suffolk, Richmond, Rockland, and Westchester, were ranked as normally Democratic. The habits of half a century in the Hudson and Mohawk valleys still endured. Tammany had conspicuous friends among the country leaders, such as Albert P. Laning of Buffalo and Sanford E. Church of Albion, but the balance of power lay outside the city. In a later day Daniel Manning and then David B. Hill managed the party, in which Tammany was a subordinate factor so long as the Kings county organization under the leadership of Hugh McLaughlin stood, as it generally did, against the successive Tammany leaders. But after 1890, when the County Democracy and Irving Hall organizations had gone out of existence, Tammany was the sole organized representative of the party in the city and gained in influence accordingly. Then followed the formation of Greater New York, the overthrow of McLaughlin, and the gradual extension of the Wigwam's power over the outlying boroughs, until it could go into a State convention with the weight of half the Democratic voters of the State, and yet in the election carry no "up-State" county but Schoharie and frequently lose Kings.

Doubtless the long period of Republican ascendancy in the nation, following the Democratic committal to free silver, accounted in large measure for this solidity, and it is significant that when the reaction came in 1910 the old Democratic counties of Chemung, Columbia, Greene, Seneca, Sullivan, and Ulster showed the persistence of their submerged traditions. Yet the rural distrust of the city leadership undermined the party

through the State. Tammany's preponderance brought ambitious county leaders under its control, but tended more and more to alienate independents from their organizations and centralize the Democracy into a city party, despite the fact that there is no antagonism between city and country as regards the issues that have determined the partisanship of most voters, and that the adherents of both parties are so evenly distributed through the State that in four-fifths of the counties a comparatively small shift in the vote would change a county's political complexion. Either party casting a bare 50 per cent. of the vote is assured of a plurality of from 40,000 up, depending on the vote of the smaller parties, and the State is often comfortably carried one way or the other by 47 per cent. of the vote.

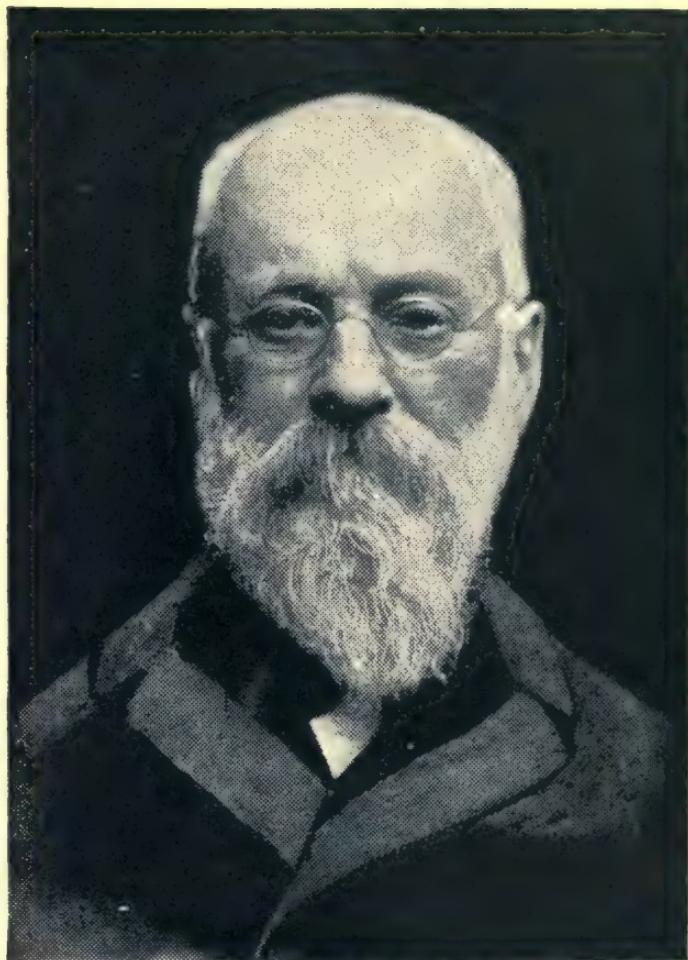
The major parties are so evenly balanced that, except as the State is swept by a country-wide impulse, either party once in power is likely to be dislodged only when it is divided and its opponent united, or when long occupation of office has developed popular distrust. Democratic apathy toward the Liberal coalition in 1872 elected John A. Dix Governor. Two years later Dix himself fell victim to the coldness of his own party managers and the Democrats held the Executive office until John Kelly bolted Governor Robinson's renomination in 1879. Republican factional feuds in turn elected Grover Cleveland, and the Democratic hold continued until factional bitterness, combined with the weight of the Maynard election return scandal, gave the Republicans sixteen years of power, which ended only when they were divided into the Repub-

lican-Progressive schism. Democratic demoralization, culminating in the impeachment of Governor Sulzer, returned the Republicans to power until the insistence of Governor Whitman upon being a candidate for a third term against manifest Republican dissatisfaction with his policies resulted in his defeat and the election by a narrow margin of an out-and-out Tammany Governor, Alfred E. Smith, while the Republicans still held the Legislature and the elective State offices.

The ability of the Republicans, through the principle of legislative apportionment prescribed by the Constitution, which bases legislative representation upon political units rather than population, generally to hold the Legislature even when they lose the Governorship, is of great political significance. It has been a conservative force, preventing the subordination of State to city policies, but also depriving the Democrats of full power and responsibility in carrying out their own views of administration. This handicap is naturally denounced as unjust and undemocratic. But it cannot be avoided by any apportionment, however fair, based on the principle that political units as such are entitled to representation, and that a great concentrated population with one local interest and responding easily to one mass sentiment should not be permitted to override by mere weight of numbers the diverse interests of smaller communities, each with its own problems and its own political consciousness. An apportionment that discarded territorial representation and was based absolutely on population would so centralize power as to make all but one corner of the State practically

impotent and a great number of places with established economic interests and social traditions practically voiceless. If this is to be avoided numerical inequalities between districts must be regarded as a necessary expedient for the protection of all in view of the peculiar distribution of the State's inhabitants as compared with its territory, resources, and organization into bodies politic. Nevertheless it provokes continual complaint and unfortunately has often resulted, generally it must be said with metropolitan backing, in the denial to the metropolis of that local freedom of which the rural communities are naturally jealous for themselves. Yet despite this there is no essential antagonism, political or economic, between city and country. Each is dependent on the other. Each would be of diminished importance in the nation without the other. Together they make a commonwealth of substantial unity and unrivalled prestige.

In 1865 New York was still governed by the Constitution of 1846. This instrument of extreme decentralization was the product of the movement for a larger popular voice in politics that marked the rise of the Jacksonian Democracy. Rural interests and simple economic conditions still predominated. State regulation of corporations was in its infancy and extended little farther than a mild supervision of banks and insurance companies. A Railroad commission had been established in 1855, but abolished two years later. The State maintained a Commission of Emigration and a Health Officer and Port Wardens in New York City. The Governor, elected for two years, had comparatively



CHARLES ANDERSON DANA

Charles Anderson Dana, editor; born in Hinsdale, N. H., August 8, 1819; worked in a store in Buffalo, N. Y., when 18 years old; studied Latin by himself and prepared himself for Harvard, entering in 1839, but leaving in 1841 on account of eye trouble; afterward given bachelor's and master's degrees; became a member of the Brook Farm colony in 1842 with George and Sophia Ripley, George William Curtis, Nathaniel Hawthorne, Theodore Parker, William Henry Channing, Margaret Fuller and other philosophers; joined the staff of the New York Tribune in 1847 and remained as editor until April 1, 1862; went to Albany in 1861 to advance the cause of Horace Greeley for United States senate; employed by Secretary Stanton in special work for the war department, 1862; assistant secretary of war, 1864-1865; organized and became editor of the New York Sun, 1867, the first number appearing January 27, 1868; died at Glen Cove, L. I., October 17, 1897.





DANIEL STEVENS DICKINSON

Daniel Stevens Dickinson; born in Goshen, Conn., September 11, 1800; moved with his parents to Chenango county, N. Y., in 1806; studied law and was admitted to the bar in 1826; began practice in Binghamton, N. Y., in 1831; state senator, 1837-1840; lieutenant governor, 1842; president of the senate and president of the court of errors, 1842-1844; a presidential elector on the Polk ticket, 1844; appointed to the United States senate from New York to fill the vacancy caused by the resignation of Nathaniel P. Tallmadge and afterward elected and served from November 30, 1844 to March 3, 1851; elected attorney general of New York state in 1861; United States district attorney for the southern district of New York; died in New York City, April 12, 1866.



little appointing power, for the heads of the great State departments, including the Canal commissioners and the Inspectors of Prisons, were elective. His control over legislation was limited to a veto that might be overridden by a two-thirds vote of merely those present in the Senate and Assembly, and he could only veto an appropriation bill as a whole. In 1874 the Governor was empowered to veto items in appropriation bills, and two-thirds of all the members elected to each house was required to override a veto. The Legislature also was limited at a special session to consideration of matters proposed by him. Two years later the vesting in the Governor of authority to appoint the Superintendent of Prisons and the Superintendent of Public Works greatly increased his political power in a direction in which it has been steadily extended by the subsequent creation of a host of commissions, so that by 1914 he had 558 offices subject to his appointment.

The Legislature in 1865 was the most powerful and popular organ of government. It consisted of a Senate of 32 members, elected singly by districts for two years, and an Assembly of 128 members, chosen singly by smaller districts for one year. It authorized expenditures amounting to a little more than \$12,000,000, nearly \$6,000,000 of which was for war activities, almost one million for canals, and two millions for the payment of bonded debts. The ordinary expenses of government were a little over three million dollars. The passage of private and local bills was almost unrestricted, and legislative procedure gave oppor-

tunity for tricky amendment and hurried putting through of selfish schemes.

The judiciary was elected by popular vote, and the term for even the highest Judges was only eight years. There were thirty-three Justices of the Supreme Court and eight general terms of the Supreme Court exercising appellate jurisdiction. The Court of Appeals consisted of four Judges elected to the tribunal and four Supreme Court Justices sitting with them for short terms. This arrangement had been made in the expectation that the elected Judges would introduce a lay element into the court, as the Senators had done in the old Court of Errors, but the people were less enamored of amateur administration of justice than the Constitution makers supposed, and no man not a lawyer was ever chosen to this bench.

This plan of decentralization resulted in weak and divided Executive authority, inefficient courts, and a Legislature with power open to abuse and with slight accountability to the people as a whole, since each member had only to please the voters in a small district. Its defects had already started a reaction that was apparent in the Constitutional convention of 1867, which proposed to increase the Governor's power, to lengthen the term of Senators, and reestablish the old plan of Assembly representation by counties, instead of by small districts each with a single member, and to limit special legislation. This Constitution was, however, rejected, except the Judiciary article, which established the present Court of Appeals and lengthened the higher judicial terms to fourteen years. The people a little

later rejected a proposal to return to an appointive judiciary. Some of the reforms suggested by this convention were obtained through the Constitutional commission of 1872 and subsequent amendments, but the commission's plan for the appointment of most of the chief State officers by the Governor failed, as did a similar suggestion made by the Constitutional convention of 1915. Nevertheless, though the people have thus repeatedly refused to sanction any wholesale centralization in the name of efficiency, step by step the Governor's influence over the Legislature has been increased and his administrative authority strengthened, until the Executive power is greater than it ever has been before in the history of the State.

The State's revenues in the Civil War period were drawn chiefly from the general property tax, levied largely on real estate. For many years prior to 1843 the income from public lands, invested funds, auction duties, and salt made the general taxation of real and personal property unnecessary, but thereafter the tax levy was relied on in increasing measure until, in 1865, more than 90 per cent. of the general fund came from that source. Bank taxes were first imposed in 1839 and in that year yielded \$113,500, their largest return prior to 1902. Corporation taxes had been levied from 1827, but not until 1882 did their returns reach a million dollars. These amounted to nearly \$14,000,000 in 1917. Inheritance and organization taxes, first imposed in 1885 and 1886, together raised \$15,000,000 in 1917. In 1896 an enormous addition to the indirect revenues of the State was made by its share of the centrally imposed

liquor tax, which by the Raines law superseded the local licensing system. Twenty years later the State's share of this was over \$13,000,000. The year 1905 saw the indirect system extended by a tax on the transfer of stock, amounting in 1917 to nearly \$8,000,000. The next year an annual mortgage tax, soon changed to a recording tax, which has brought in yearly from one to two millions, was imposed, and direct taxation became merely nominal until 1911, when a new levy of over \$6,000,000 became necessary to raise a general fund of more than \$50,000,000. At this time a secured debt tax was imposed that immediately raised \$1,400,000 and in 1917 returned \$766,000. Direct taxation was increased in 1912 and 1913, raising \$11,000,000 in the first and \$6,400,000 in the second year. Then, after a lapse of one year, \$20,500,000 was thus raised—with one exception, that of 1874, the largest direct tax in the history of the State. Smaller levies have been made since. Finally in 1919 the loss of both State and local revenues, incident to the enactment of prohibition, led the State to turn to a general income tax in the expectation of raising over \$40,000,000 to be divided between the State and its subdivisions. With a funded debt of more than \$236,000,000 in 1917, and total expenses, including sinking fund charges, of over \$80,000,000, the State faces a serious problem in adapting its resources to the ever-increasing demand to extend government enterprises.

New York came out of the Civil War financially in sound condition. On September 30, 1860, the funded debt of the State, including the canal and general fund,

was \$33,612,976. The State paid its way as it went and would actually have reduced its debt had it not been for the large bounty loans made in 1865, amounting to \$25,566,000. On September 30, 1865, the debt was \$25,475,540, but the bounty loans brought it up on December 10 to \$51,041,540, the highest sum ever reached until 1910, in the new era of expansion, after the State debt had been all but nominally extinguished in 1893. Nevertheless, the census returns for 1865 showed clearly what the war had cost the people of New York. In 1860 the State's population was 3,880,735. In 1865 its population was 3,831,777, or a decrease of 48,958. New York City's population decreased from 813,669 in 1860 to 726,386. Critics of the Secretary of State, Chauncey M. Depew, declared that the count was faulty, but Depew, probably with justice, attributed the decrease to extraordinary efforts for the maintenance of the war, and after careful inquiry in towns showing marked increase or decrease reported explanations that threw an interesting light on the changes that had been going on in the economic life of the people. Sixty-six towns reported that their decreased population was due to emigration to the west. Thirty-seven towns attributed it to consolidation of farms, fifteen to the exhaustion of forests and the discontinuance of lumbering in their neighborhoods, eleven to wholesale removals to the Pennsylvania oil regions, and eleven to the removal of laborers on the completion of railroads that had employed them. Eighteen towns reported that they had been decimated by disease, especially diphtheria. While thirty-two towns reported that they had

lost by the general prostration due to war, twelve recorded an actual loss in population by deaths in the military service, and eighteen towns confessed loss through removals to Canada to avoid the draft. On the other hand, causes for increase were found in the growth of manufactures in special localities, in the extension of railroad business, in the development of suburban communities, which was then just beginning, and in immigration.

In the fifty years after the Civil War the population of the State nearly tripled. The ordinary running expenses increased from a little over \$9,000,000 in 1865, including nearly \$6,000,000 for the State's activities in the war, to nearly \$35,000,000 in 1910, \$47,000,000 in 1916, and over \$64,000,000 in 1917, including \$9,000,000 for the war. Yet this tremendous increase in expenditure, so out of proportion to the increase of population, is considerably less out of proportion to the increase in wealth. The total assessed valuation of real and personal property grew from \$1,550,879,685 in 1865 to \$10,121,277,461 in 1910 and \$13,054,319,369 in 1917. The growth of wealth not assessed for direct taxation has been vastly greater. While the assessed valuation of property has increased somewhat more than eight-fold, the ordinary expenditures of the State, excluding debt service and war emergency costs, have increased eighteen-fold. Between 1865 and 1910 the expenses of local government have probably quadrupled, though the total of city, village, and local school taxation, necessary to determine this exactly, does not appear in the State's records for the years before 1900.

Between 1910 and 1917 direct taxation for local purposes almost doubled, from \$153,000,000 to \$276,000,000. Part of the increased State expenditure is accounted for by transfer to the central authority of work once paid for by local taxation. Thus the State hospitals for the insane, costing over \$10,000,000 a year, have taken over all the patients once cared for by city and county institutions, a reform initiated under Governor Hill. The State's charities, such as the care of the blind, the feeble-minded, and tubercular and delinquent children, cost ten times what they did in 1865, but that outlay is called for by the popular standard of humane conduct and public welfare. The \$10,000,000 charged from the general fund to education, as against \$43,000 in 1865, is due partly to an increase to meet higher standards at higher costs with a growing school population, and partly to bookkeeping changes and the abolition of the old school funds. To the scientific service of agricultural interests the State devotes over \$3,000,000 a year, as against \$18,000 as late as 1875 and \$500,000 in 1885.

In addition the State has also embarked on great constructive enterprises. It has continued the work of DeWitt Clinton by enlarging the canals to meet the needs of modern traffic and created a funded debt of \$148,000,000 for that purpose. A debt of \$80,000,000 has been incurred for the system of improved highways initiated by Governor Black and greatly developed by Governors Odell and Hughes. The State has taken liberal measures to preserve its natural resources and scenic beauties. The Forest Preserve, in addition to

large annual expenditures through a quarter of a century, has involved a bonded debt of \$2,500,000. The establishment of the Niagara Falls Reservation under Governor Cleveland was the first step in a policy leading to the acquisition, by gift or purchase, of Saratoga Springs, Watkins Glen, the Letchworth property at Portage Falls, Fire Island Park, and the great Palisade Interstate Park, for which the State has incurred a debt of \$5,000,000, and a large number of smaller reservations.

Neither of the leading political parties has made itself the avowed champion of this expansion as a settled policy. From time to time each has deprecated it, and then promoted it. The logic of events, the growth of population and business, bringing new social, sanitary, and economic problems and new demands for public regulation, rather than any theory, has directed the movement. In fact the attitude of the political parties has been almost altogether opportunist. With New York almost always a debatable and generally pivotal State in national elections, the chief concern of its party leaders has been national. With some noteworthy exceptions, such as Warner Miller's high license platform of 1888, and Tammany's disposition to shape its relations to outside politics entirely with regard to its paramount local interests, State policies have held a subordinate place in the manœuvres of parties. In spite of that, perhaps rather for that reason, both parties, unbound by theoretical dogmas, have approached State problems in a practical spirit. In reviewing their record year by year, a steady advance may be noted in

improving the machinery of administration as new needs develop or new abuses are discovered and in making the law give better protection to the political rights and economic interests of the average man and woman. Ballot reform, primary reform, tenement house reform, railroad regulation, factory laws, protection of women and children in industry, workmen's compensation, woman suffrage, and finally prohibition all testify to New York's readiness for innovation and hospitality to whatever promises social betterment. The story of the political struggles of half a century sometimes opens on sordid pages; but not less in the record of the human weakness of parties and politicians than in the more frequent record of honest and intelligent effort to serve public needs through party machinery does it reveal the "slow and quiet action of society upon itself" that seemed to De Tocqueville the essence and virtue of republican government in America.

## CHAPTER II

### RECONSTRUCTION AND THE POLITICAL PARTIES

1865

THE close of the Civil War found neither political party in New York prepared to face the issue of peace with sureness or unity of purpose. A momentary period of joy in victory, quickly merging into one of universal mourning, obscured for only a little time the divided counsels and the passions that were to make a stupid blunder of the work of reconstruction.

Andrew Johnson inherited from Lincoln a policy toward the southern States that had already threatened a break between the Executive and Congress. The radical leaders, Charles Sumner and Benjamin F. Wade in the Senate, and Thaddeus Stevens and Henry Winter Davis in the House, had bitterly assailed Lincoln's invitation to the southern people to reëstablish loyal governments for themselves. On his accession, the radicals had great hopes of Johnson. "Johnson, we have faith in you. By the gods, there will be no more trouble in running the government," had been Wade's declaration on the occasion of his first call with other Senators on the new President.<sup>1</sup> The stern attitude of

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<sup>1</sup>George W. Julian, *Political Recollections*, p. 257.

Johnson, who frequently declared that the Confederate leaders should be hanged, and his efforts to fix upon some of them responsibility for the assassination of Lincoln, gave at first some plausibility to this confidence. But Johnson was by training and tradition a State rights Democrat; he could battle against treason and for the restoration of the Union, but he could not bring himself to contemplate a restored Union differing materially in the balance of State and Federal powers from that which secession had attempted to destroy. Individuals might be proscribed and punished, but the southern communities, once restored to order, must be permitted to resume control of local affairs and participate in the national government without restriction of their old constitutional rights. Slavery had destroyed itself, but the southern States must still be masters of their own suffrage policy and the makers of their own constitutional law.

Closely following Lincoln's policy, Johnson, on May 29, 1865, issued a proclamation of general amnesty with certain specific exceptions, among them those who owned over \$20,000 of property. He proclaimed the restoration of rights of property, except in slaves, and outlined plans for the appointment of provisional Governors, who should determine the qualifications of electors and officials to reorganize the State governments. The electors were limited to white men. This scheme went beyond Lincoln's in its proscription of the wealthy. It reflected the prejudice of Johnson, who had struggled from poverty to power in opposition to the southern aristocracy, and also his settled belief that

this aristocracy, rather than the southern people in general, had been responsible for the war.

The conservative Republicans in New York approved this course. They were led by Secretary Seward, who indeed claimed the credit of having steered the President into it, and by Thurlow Weed, Senator Edwin D. Morgan, and Henry J. Raymond. Weed had established relations with Johnson, shortly after his accession, through ex-Senator Preston King, and continued as the President's mentor concerning New York politics and patronage after King's suicide in November, 1865, in a fit of depression over the responsibilities of the Collector's office, which he had reluctantly taken to please the President. Raymond had just been elected to Congress, where he was to prove Johnson's most conspicuous defender, and his newspaper, the *New York Times*, was the chief advocate of conservatism. On the other side stood Horace Greeley, who, despite his often inconsistent and petulant leadership, which, however, could not obscure his loftiness of purpose, perfect honesty, and controversial force, made the *New York Tribune* for a quarter of a century the most powerful exponent of political opinion ever known in America. The rivalry between these two factions was of long standing and had done much to embarrass Lincoln's administration. The radicals charged Seward and his friends with having beaten General Wadsworth for Governor in 1862. On the other hand, Seward had reason to remember Wadsworth's opposition to his Presidential aspirations and the even more effective work done against him by Greeley at Chicago

in 1860. Greeley had on several occasions been an advocate of conciliation toward the south, and even now was a merciless critic of Thaddeus Stevens's scheme of confiscation and other harsh measures. But his friendship for the negro was enthusiastic and sincere, and, as he had tried to force Lincoln's hand on the question of emancipation, so now he began to urge negro enfranchisement as the only guarantee of freedom.

The Democrats for their part were dependent on Republican differences for a policy. The Seymour leadership was bankrupt, though his charm and purity of character left his personal popularity undiminished. Any gift at the command of his party was his not merely by asking, but by accepting. He was by no means disloyal, but in a crisis where determination was needed his gentleness was ineffective. He censured lawlessness, but his subtle haggling on constitutional rights in the face of violence made him a practical apologist for resistance to the government. Seymour had made the issue that the war was a failure, and it had been brought to success. He had opposed the measures of the administration for raising troops and dealing with sedition, had addressed the draft rioters as "my friends," and had been repudiated by the loyal voters. But the War Democrats who stuck by the party, like Dean Richmond and "Prince" John Van Buren, had offered no consistent alternative policy. The problem of maintaining partisan opposition in war times and really supporting the administration of the government had been insoluble.

The election of 1864 put the Republicans again in control of the State government. They elected 20 of the 32 Congressmen, and had a majority of 10 in the Senate and of 24 in the Assembly, which chose George G. Hoskins, of Wyoming, Speaker. The new Governor was Reuben E. Fenton, a radical by conviction, a Barn-burner who stood by his anti-slavery principles and joined in the formation of the Republican party. A successful lumber merchant, without oratorical ability and with neither the learning nor the intellectual power requisite to first-class statesmanship, he had a genius for managing men and attaching them to his interest. His greatest gifts were keen powers of perception and unfailing tact and courtesy. With characteristic censoriousness Gideon Welles wrote: "He is cunning, false, selfish, is no statesman but a shrewd politician." But to Welles all radicals seemed rascals. John Russell Young, a scarcely more friendly if more genial critic, said: "In skill, patience, tact, a recognition of the limitations of human nature, with a firm, unyielding will, and a technical education in the business aspects of politics, Mr. Fenton never had a superior."<sup>2</sup> Even Fenton's friends sometimes remarked on his "smooth platitudes," but behind them was sincere amiability and a distinct talent for public affairs. With the rise of the radicals he succeeded to Weed's sway over the party machinery and held the leadership until overcome by Conkling and the power of the Grant administration.

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<sup>2</sup>*Diary of Gideon Welles*, III, p. 509; John Russell Young, *Men and Memories*, p. 215.

In his first annual message to the Legislature of 1865, Fenton expressed the hope that an anti-slavery amendment to the Constitution would soon be submitted by Congress. The Legislature promptly passed a concurrent resolution on January 11 and 17 recommending such an amendment and suggesting its terms. A few days after, the Thirteenth amendment as submitted by Congress was transmitted to it and approved in the form of a concurrent resolution on February 2 and 3, and also, to avoid any technical objections, by statute passed April 22. Thus New York anticipated and promptly confirmed the first step to recognize in the Constitution the results of the war.

Fenton also recommended the establishment of Cornell University, and this was done by the act of April 27, which appropriated to the University to be established at Ithaca the proceeds of the land granted to the State by Congress in 1862 for colleges of agriculture and mechanic arts, on condition, among others, that Ezra Cornell should give to the institution \$500,000. Mr. Cornell not only gave this sum, but also by his purchase and skillful handling of the land, which must otherwise have been improvidently sold, he secured to the University a fund that made it one of the richest institutions of the period.

An act had been passed in 1864 to enable the State banks without dissolution to enter into the new national system, but it had not been signed by Governor Seymour. At Fenton's suggestion, a similar bill was once more passed and, though some parts of it were afterward declared unconstitutional, through it the State

committed itself to a nationalized financial system. Governor Fenton was an excellent administrator with clear and sound ideas of public policy, which were perhaps most clearly shown in his vetoes. He disapproved many special charters and insisted on incorporation only under general laws. Public service corporations were suffering from bad business and depreciated paper money and asked for increased fares to recoup themselves, but the Governor held that these conditions were temporary and could not be made the excuse for what would be in the long run excessive charges. He also vetoed what would now be called "franchise grabs" in New York City, as well as a bill to legalize the acts of local officers in paying bounties, which would have covered with one indiscriminating blanket of immunity official corruption as well as official error.

At this session the first steps were taken toward the building of the new Capitol and the site was fixed subject to the gift of the necessary land by the city of Albany. The site having been purchased, the location was confirmed the next year, and in 1868 the State itself purchased additional land and undertook the construction of a building limited in cost to \$4,000,000. With prophetic but ineffectual caution the Legislature forbade the Commissioners to proceed on what was to prove a \$20,000,000 undertaking, unless they were satisfied that the structure could be completed within the limit set. The accumulation of business in the Court of Appeals led to the submission of a constitu-

tional amendment creating five Commissioners of Appeal, but on March 14 the people voted it down by over 25,000 majority.

During the summer Greeley published a series of effective articles in favor of negro suffrage, but the fall campaign approached without any open break between Johnson and the Republicans. Meanwhile the Democrats were doubtful whether to join Ohio in proclaiming the Virginia and Kentucky resolutions of 1798 the true doctrine of State and Federal relations and to continue like their brethren in neighboring States to denounce the administration, or to take a more moderate tone and adopt Johnson as their own. On the eve of the State convention, Samuel L. M. Barlow<sup>3</sup> wrote to Tilden: "I hope the tone of the resolution to be passed will be more moderate than in New Jersey or Pennsylvania or Ohio." On the other hand, many Democrats were fearful that their party might be swallowed up and shared the feeling expressed by Francis P. Blair in a letter to Tilden on October 19, "Seward and Chase, who never were identified with the Democracy, have entered into a coalition to control its destiny."

The Democratic convention met in Albany on September 6. Greeley in a dispatch to the *Tribune* on that day said that the Seymour men wanted a platform on State sovereignty and reserved rights, while Dean Richmond swore it was "all damned nonsense and dead long ago." The selection of Charles H. Winfield of Orange for temporary chairman was a strategic triumph for the Johnson conservatives, but J. M. Humphrey of

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<sup>3</sup>John Bigelow, *Letters and Memorials of Samuel J. Tilden*, I, pp. 197, 198.

Erie, the permanent chairman, was a follower of Seymour. The Tammany delegation from New York City was seated, and the McKeon and Fernando Wood's Mozart Hall delegations were excluded. Manton Marble of the New York *World* and William Cassidy of the Albany *Argus* appeared with a ready-made platform, part of which was adopted, but under the leadership of John B. Haskin, chairman of the committee on resolutions, three planks prepared by Tilden and Marble were dropped. These indorsed the New Jersey, Pennsylvania, and Ohio platforms, continued to complain about arbitrary arrests, military courts, and suspension of habeas corpus, and favored the disbanding of the army, the abolition of military bureaus, the dismissal of United States revenue collectors and assessors, and the turning of their work over to State officials. Haskin would have none of these, but insisted on a hearty indorsement of Johnson to supplement the coldness of the Marble-Tilden resolution and "to make him the great leader of the people and of the Democratic party."<sup>4</sup> The platform as adopted commended Johnson, indorsed his plan of restoration, which confided the work to those then "recognized as electors by the laws of their respective States," demanded subordination of military to civil rule, condemned efforts to compel the south to adopt negro equality or negro suffrage, and, while recognizing the obligation to pay the public debt, declared: "All constitutional and legal means should be taken to compel the whole property of the

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<sup>4</sup>Letter of Haskin quoted in New York *Tribune*, September 22, 1865.

country, real and personal, to share in the public burdens, believing that equality of taxation is not only equity, but also the soundest possible basis of public credit." This last declaration was a plain hint at one form of repudiation, taxation of securities of men who had loaned to the government during the war at rates based on the freedom of the bonds from taxation. It was a fitting complement to the refusal of the same party in the Legislature of 1864 to allow payment of any interest on the State debt in coin, even at Governor Seymour's request, notwithstanding its consent to the payment of foreign but not domestic creditors in coin the year before.

The convention, determined to avoid any appearance of disloyalty, next turned to a conspicuous soldier for the head of the ticket and named General Henry W. Slocum, then of Syracuse—afterward of Brooklyn,—one of the corps commanders at Gettysburg, for Secretary of State. It named Lucius Robinson, of Elmira, to succeed himself in the Comptrollership, to which he had before been elected by the Republicans.<sup>5</sup>

Raymond hailed the action of the Democrats as a great victory for the President, declaring in the *Times*: "The Democratic party in the State met yesterday at Albany and after due deliberation and with great

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<sup>5</sup>The ticket was: Secretary of State, Henry W. Slocum, Onondaga; Comptroller, Lucius Robinson, Chemung; Attorney-General, John Van Buren, New York; Treasurer, Marsena R. Patrick, Ontario; State Engineer, Sylvanus H. Sweet, Oneida; Canal Commissioner, Cornelius W. Armstrong, Albany; Prison Inspector, Andrew J. McNutt, Allegany; Judges of the Court of Appeals, John W. Brown, Orange, and Martin Grover, Allegany; Clerk of the Court of Appeals, Edward O. Perrin, Queens.

unanimity surrendered, horse, foot, and dragoons, to the Unionists and Republicans. . . . The resolutions of the convention would scarcely be voted down in the Republican convention."<sup>6</sup> Greeley declared that the Democratic organization was completely in the hands of the Barnburners and that the Hunkers had no future.<sup>7</sup> He treated Robinson with fairness, declaring that he had never changed but had always been a Union Democrat, and urged that the Republicans should also renominate him. He turned his guns, however, on Martin Grover, one of the candidates for the Court of Appeals, denounced him as a "copperhead" notwithstanding his record as a War Democrat, and said: "No other man in the State has taken so miserly a view of the struggle as Judge Grover; while, as to its moral aspects, his daily talk has run like this—'I oppose the extension of slavery, because I am opposed to niggers anyhow; if we must have them, I prefer to have them as slaves.'"<sup>8</sup> Greeley with a better sense of humor would have been more just to the sterling character and ability of one whose wit, quaintness of expression, and assumption of Bœotian rusticity made him a salient and amusing character without diminishing the respect in which he was held by bench and bar.

The Republican State convention met at Syracuse on September 20 with Charles J. Folger of Geneva as temporary chairman. On its eve Greeley telegraphed to

<sup>6</sup>New York *Times*, September 8, 1865.

<sup>7</sup>New York *Tribune*, September 7, 1865.

<sup>8</sup>New York *Tribune*, September 8, 1865.

the *Tribune*: "The flourish of trumpets in certain habitually ill-informed journals over alleged conservative or Weed preponderance in the convention seems unfounded. Any advantage which may be gained by that side will be due to dexterity rather than strength." If so, the dexterity was not wanting. Raymond and his friends dictated the platform. It rejoiced in the overthrow of the Rebellion and demanded adequate provision for wounded soldiers and for the families of their dead comrades. It deplored the death of Lincoln, but recognized "in Andrew Johnson, his successor, a statesman of ability, experience, and high-toned patriotism and the most unsullied integrity." It said: "We renew to him in his administration those assurances of cordial and effective support which were tendered by us in his nomination and election." It approved "as eminently wise and just the sentiment of kindness and confidence" that President Johnson had evinced toward the States that accepted the perpetuation of the Union and the prohibition of slavery as the legitimate and irrevocable result of the war. It sanctioned the steps taken to restore the people to complete control of local affairs and affirmed the principle of State rights over all local and domestic concerns. Swayed by the feeling that led the Democrats to call for the equal taxation of bond-holders, the Republicans expressed themselves guardedly in favor of measures to "impose the burden of taxation equally and impartially upon all classes." The Republican convention also adopted resolutions on the death of the great free trader, Richard Cobden, who had been recognized as one of the truest of those who

had sustained the cause of American nationality in England.

Greeley declared this platform "timid and wordy," but better than the Democratic wherever they differed. He said there was in the convention a majority of at least fifty professed radicals, but they had no cohesion or discipline and so were seldom able to profit by their strength and allowed devotion to men to overbear attachment to principles. "If a resolve had been in order distinctly affirming the right of all loyal people of the south to a voice in reorganizing and controlling their respective State governments, it would have been largely carried on a vote of yeas and nays."<sup>9</sup>

Sentiment in the convention was strong for the recognition of the defenders of the Union. Depew, though proffered a renomination as Secretary of State by both wings of the party, withdrew in deference to this sentiment and was made permanent chairman. Major-General Francis C. Barlow, an intrepid soldier and knightly figure, whose austere integrity was later to be put to the test in several offices, was named for Secretary of State. Despite his fine record, Robinson was left to the Democrats, but in Thomas Hillhouse the Republicans found a candidate for Comptroller of the highest character.<sup>10</sup>

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<sup>9</sup>New York *Tribune*, September 21, 1865.

<sup>10</sup>The ticket was: Secretary of State, Francis C. Barlow, New York; Comptroller, Thomas Hillhouse, Ontario; Attorney-General, John H. Martindale, Monroe; Treasurer, Joseph Howland, Dutchess; State Engineer, J. Platt Goodsell, Oneida; Canal Commissioner, Robert C. Dorn, Schenectady; Prison Inspector, Henry W. Barnum, Onondaga; Judges of the Court of Appeals, Ward Hunt, Oneida, and John K. Porter, Albany; Clerk of the Court of Appeals, Patrick Henry Jones, Cattaraugus.

The tide of the campaign ran strongly with the Republicans. Mississippi and other extremist southern States had not yet passed their vagrancy codes, or shown their determination to deny civil rights to the negroes, so there was a comparative truce between the Republican factions, while the Democrats were in spirit divided. Seymour appeared on the platform, rejoicing indeed in the signal victories of the soldiers, which had made the country glorious, but still threshing over the old issues between himself and Lincoln, talking of the rights of "subjugated"<sup>11</sup> States, and preaching discontent with the overwhelming debt. His attitude angered John Van Buren, who, though himself a candidate, publicly remarked after a speech at Troy on October 23, that "if Seymour and Vallandigham had been knocked out of the national convention it would have been a good thing for the party."<sup>12</sup>

The election on November 7 resulted in a signal Republican victory, Barlow winning by 27,491 plurality, receiving 300,254 votes to Slocum's 272,763. The Republicans secured a majority of 22 in the Senate and 50 in the Assembly, of which Lyman Tremain became Speaker.

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<sup>11</sup>Speech at Seneca Falls, New York *World*, November 4, 1865.

<sup>12</sup>New York *Tribune*, November 3, 1865.

## CHAPTER III

### OVERTHROW OF THE CONSERVATIVES

1866

THE prevailing sentiment of the north was at first undoubtedly against negro suffrage. Negroes could vote nowhere, except in the New England States—barring Connecticut—and in New York, where a property qualification not required of white men was imposed. The south itself forced radicalism to the front by statutes subjecting blacks and whites to different penalties for the same crime, and by labor and vagrancy laws that the north interpreted as attempts to establish peonage on the ruins of slavery. While General Grant, after a trip through the southern States, reported them to be in earnest in wishing to do what was required by the government, not humiliating to them as citizens, Carl Schurz, who made a more extended investigation, declared that there was no real loyalty to the new order of things and that the south meant to keep the negroes to some form of enforced labor. He believed that suffrage should be a condition precedent to readmission and proposed to make actual votes instead of population the basis of representation. This suggestion involved more than regard for the negro's protection. It went to the heart of the question of

political balance. One of the great compromises of the Constitution had allowed the southern whites representation for three-fifths of their slaves. With the abolition of slavery, the north was confronted with the prospect that these same southern whites would still further increase their disproportionate weight in Congress by a representation of not merely three-fifths but all of the blacks, while still depriving the latter of all political existence. Some attempt to redress the political balance was inevitable. It soon took form in the Fourteenth amendment, intended to safeguard the negro's civil rights and to put pressure on the south to admit him to political rights for the sake of maintaining its own weight in national affairs. It failed to accomplish this, or even to obtain equal political weight for the white voter of the north with the white voter of the south, but it did succeed in the larger work of nationalizing the whole sphere of civil liberty.

When Congress met in December, 1865, the President in his message advocated the admission of the southern States on the ratification of the Thirteenth amendment, leaving the question of negro suffrage to the States. The radicals no longer hesitated to join issue. Stevens took the ground that the original contract had been severed and that the south must now come back into the Union as new States on terms made by Congress and approved by the President. If suffrage was to be denied to the negroes, then they must be excluded from the basis of representation. The task of defending the President's position fell to Henry J. Raymond. He maintained the doctrine that secession was null and that

the southern States were legally right where they had been before the war. Raymond enjoyed great influence. He was personally popular. The patronage of the administration was potent, and, moreover, many Republicans for more unselfish reasons were reluctant to split the party. Nevertheless, Raymond in Congress could not prevent his resolution of confidence in the President from being sidetracked by reference to the committee on reconstruction, by a vote of 32 to 107. Raymond and his friend and fellow-New Yorker, William A. Darling, were the only Republicans ready to indorse the President's policy. On February 6 Congress passed the Freedman's Bureau bill, which the President vetoed. It speedily followed with the Civil Rights bill, and on April 8 overrode the President's veto by a vote of 122 to 41, Raymond being one of seven Republicans who sustained the President.

The New York Legislature of 1866 assembled in the midst of the struggle, and adopted resolutions declaring: "No State within which there has been insubordination or rebellion should be admitted to share in the national legislation until it presents itself not only in an attitude of loyalty and harmony, but in the persons of representatives whose loyalty cannot be questioned." It held that Congress had full power to judge when the constituency or representatives met that test; that the "liberty and civil rights of every human being subject to the government of the United States should be protected and enforced," and that this policy was not fulfilled "until every subject of that government stands free not only, but equal before the law." It failed to

adopt the whole radical program only in respect to a specific declaration for negro suffrage.

State affairs could receive little attention at such a time. Governor Fenton in his message denounced the growing practice of passing bills for the relief of contractors, some of which he frankly confessed he had mistakenly approved, and on his recommendation the Legislature gave the Governor power to appoint commissioners to represent him in inquiring into charges against officials subject to removal by the Governor, a power which has been found most useful ever since. At this session the Governor took a noteworthy stand against the policy of State aid to railroads, which threatened to plunge New York into a riot of reckless railroad building. Railroads were being projected in every quarter of the State, often with inadequate private financial backing and with little prospect of immediate paying traffic. Local communities, which undoubtedly needed their facilities, liberally bonded themselves in aid of these railroads, but many companies not content with this assistance asked for legislative grants. In vetoing such a grant for the Plattsburg & Whitehall Railroad, the Governor took a position that he generally maintained throughout his term in the face of many and repeated attempts to force the State into partnership in such enterprises.

The war between Johnson and the radicals kept the State in a political ferment all through the summer. The President's violent speech of February 22 alienated many who still sought to remain his friends. On the same day Seward in a speech at Cooper Union tried to

calm the tempest by his parable on the then popular play of "The Nervous Man and the Man of Nerve." Both got the results they wanted, though not as they wanted them. The President, the man of nerve, having achieved a restored Union, was content. It was only the nervous man who was troubled because he had not got what he wanted in the precise way he sought it. But it was all to no purpose. When on May 22 at Auburn Seward argued that the rights of the blacks were more secure if left to the mercy of State governments than they would be under the protection of the national government,<sup>1</sup> even the hero-worshippers of a generation in his own State turned against him. His visit to Albany in August, "swinging 'round the circle" with the President, General Grant, and Admiral Farragut, was seized upon to humiliate him. A special session of the Senate passed resolutions welcoming to the State capital the President and his party. An amendment welcoming General Grant and Admiral Farragut by name was passed, 16 to 3, but another amendment to include Seward by name was voted down, 8 to 12.<sup>2</sup> Fenton pointedly ignored him at the reception and forced Seward to greet the throng with the remark that he needed no introduction in the New York Executive chamber.

Having hopelessly estranged a majority of the Republicans, the President and his friends sought a combination of the conservative Republicans with the

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<sup>1</sup>Frederick Bancroft, *Life of William H. Seward*, II, p. 457.

<sup>2</sup>Andrew D. White, *Autobiography*, I, p. 131; *Appleton's Annual Cyclopedia*, 1866; *Diary of Gideon Welles*, III, p. 592.

Democrats and planned a National Union convention of representatives from all the States for August 14 at Philadelphia. A preliminary State convention assembled at Saratoga on August 9 and was attended by such well-known Democrats as Samuel J. Tilden, Francis Kernan, and Sanford E. Church, while among the conservatives were John A. Dix, Hamilton Fish, Marshall O. Roberts, and Moses Taylor. It chose Raymond, Tilden, Dix, and Church delegates to Philadelphia. Raymond, who was chairman of the Republican national committee, had not been at Saratoga and had been reluctant to join the movement, fearing that it might fall into the hands of the ex-Confederates. He finally yielded to Seward's persuasion, apparently under the delusion that he was not committing himself to political opposition to the party of which he was the official head. The Philadelphia convention organized under the temporary chairmanship of John A. Dix, who urged the rights of the States to representation in Congress without condition; but the general burden of defending the President's policy fell to Raymond. In performing the task, he let his logic of State rights carry him beyond all bounds of discretion or of practical statesmanship and declared that, even if conditions rendered readmission of southern States unsafe, because of disloyal sentiment dominating them, Congress still had no power to deny rights conferred by the Constitution. Such a statement could only give point with northern people to the argument just before put forth by the joint committee on reconstruction, that the President's doctrine simply threw away all the results

of the war and encouraged any body of men to rebellion with the knowledge that if they were defeated they were just as well off as before, with the result, said the report, that "treason is always master and loyalty a blunder."<sup>3</sup> A few days after the Philadelphia convention, Raymond was removed from the chairmanship of the national committee and Johnson's break with the Republicans was complete.

The plan of his friends to capture the Democratic party, however, did not run smoothly. The Democrats were ready to use the Philadelphia movement, but by no means ready to give themselves up to it. Dean Richmond undertook to merge the Democracy of New York temporarily with the National Union party. A State convention, made up of Democrats and conservative Republicans, was called to meet at Albany on September 11. Richmond died suddenly on August 27 (while visiting Tilden), and the failure of the plan was probably due in part to that event. Weed was there and with other Republicans favored nominating John A. Dix for Governor. Dix was a soldier and a man of probity, though Seymour declared him "mercenary,"<sup>4</sup> and Gideon Welles, who knew him from the days of the Albany Regency, thought him honest, but "somewhat avaricious," "an inveterate place-seeker," who feared and conformed to the opinions of men in power. He had been a Democrat yet a supporter of the Union and, after some wavering, of the war for its pre-

<sup>3</sup>Joint Committee Report of June 8, 1866.

<sup>4</sup>Letter to Tilden, September 21, 1874, Bigelow, *Life of Tilden*, I, p. 228; *Diary of Gideon Welles*, III, p. 442.

servation. But his conservatism had asserted itself as soon as the war was over. Other candidates were Robert H. Pruyn of Albany, a Republican who had been Minister to Japan, Henry C. Murphy of Brooklyn, a former Mayor of that city and a Democrat of ability and character, and John T. Hoffman, Mayor of New York. The Dix people were seemingly in complete control and Richmond's plan would doubtless have been carried to success but for the chairman, Sanford E. Church, who in the face of a vote of three to one against a motion to adjourn overnight, declared it carried and hurriedly left the platform. The next morning he humbly apologized for his mistake, but during the night the Tammany Democrats had organized to nominate their Mayor and circulated stories among the Democratic delegates that Dix had arbitrarily imprisoned civilians at Fort Lafayette. When the convention reassembled, Edwards Pierrepont, who was supposed to be a Dix leader, threw off the mask, frankly called what was supposed to be a Union meeting a Democratic convention, withdrew the name of Dix, and moved the nomination of Hoffman, which was made.<sup>5</sup> Pierrepont, whom Gideon Welles described as "a cunning and adroit lawyer, but not a true and trusty man,"<sup>6</sup> confessed that he had agreed with Tammany to support Hoffman before the Philadelphia convention, though up to the day of the nomination he had appeared as a

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<sup>5</sup>The ticket was: Governor, John T. Hoffman, New York; Lieutenant-Governor, Robert H. Pruyn, Albany; Canal Commissioner, William W. Wright, Ontario; Prison Inspector, Frank B. Gallagher, Erie.

<sup>6</sup>*Diary*, III, p. 452.

Dix supporter. The platform demanded the restoration of the southern States according to Grant's pledge at Appomattox and Johnson's proclamation of amnesty in May, 1865, "which fully, lawfully, and finally restored to all the rights and functions of citizenship the great mass of the people of the southern States." It asked voters to "arrest that monstrous corruption which is fast sapping the sources of public spirit and public virtue," denounced centralization of power in the State as well as the nation, and declared: "Recent legislation at Albany has usurped a supreme yet fitful control of local affairs which counties and municipalities are entitled to regulate."

The rule of the metropolis from Albany thus arraigned, had been exercised with an iron hand for nearly ten years. In 1857 the Republican Legislature revised the charter of New York, centralized the appointing power, and redistricted the city to increase Republican strength in the Board of Aldermen. Then control of the police was withdrawn from the city by the creation of the metropolitan police district, under a board appointed at Albany. The validity of the law was sustained on the ground that the State might create a new civil division for police purposes and vest in it the powers formerly exercised by the municipalities within that district, although the Constitution did not permit State appointment of police officers for the old municipalities themselves. Later the new Central Park was put under a State commission on the legal theory that this was a new local body not covered by the home rule provision of the Constitution, which placed in local



SANFORD E. CHURCH

Sanford E. Church, jurist; born, Milford, N. Y., April 18, 1815; lawyer; member of state assembly, 1842; district attorney, Orleans county, 1846-1847; lieutenant governor, 1851-1855; state comptroller, 1858-1859; delegate to constitutional convention of 1867-1868; defeated for congress, 1862; first chief judge of the reorganized court of appeals, 1870; died in Albion, N. Y., May 14, 1880.





EDWARDS PIERREPONT

Edwards Pierrepont; born, North Haven, Conn., March 4, 1817; lawyer; justice superior court of New York City, 1857; in 1863 was appointed to try prisoners of state in the various prisons and forts throughout the United States; United States attorney for the southern district of New York, 1869-1870; United States attorney general, 1875-1876; minister to Great Britain, 1876; died, New York City, March 6, 1892.



hands all appointments to local offices existing when the instrument was adopted. The same reasoning has since upheld State Rapid Transit commissions and the long line of State bodies that have held sway in New York City down to the present time. A metropolitan fire district and a metropolitan health district were also formed. Then the city budget and the tax levies were fixed by the Legislature. A reaction came with the election of Governor Hoffman and the enactment of the Tweed charter, but the corruption of Tweed gave new excuse for interference, though it was never carried to the extreme it reached just after the Civil War. This State supervision sprang from mixed motives. The city government of the time was bad. Life and property were insecure. The most respected citizens of the metropolis demanded protection and objected to entrusting expenditures for great enterprises to local officials. Martin I. Townsend once declared that but for the efficiency of the metropolitan police, when many city authorities were in sympathy with the disaffected, the draft riots of 1863 might have resulted in revolution. At the same time Republican lawmakers were not blind to the value of patronage in the city, or the tactical advantage for national and State contests of curbing the Democrats in their stronghold. So municipal corruption often furnished excuse for schemers as corrupt as those whom they were professing to check. In recent years public sentiment has diminished the abuse and the Republicans themselves, in the Constitution of 1894, with its provision for qualified

local veto on local legislation, freed the city in considerable measure from State meddling.

The Republicans held their State convention at Syracuse on September 5, with Charles H. Van Wyck as temporary and Lyman Tremain as permanent chairman. Raymond and Weed were absent, and Greeley dominated the convention in all but one particular. He submitted a negro suffrage plank, but George William Curtis, the chairman of the committee on resolutions, suppressed this and avoided any expression favorable to votes even for negro soldiers. The platform declared the President guilty of usurpation of power. It favored the restoration at once of States ratifying the Fourteenth amendment, which tended to equalize the rights of citizens of the Union; and pointed out that the Thirteenth amendment worked a "change prejudicial to the equality of the States in Congress," that the continued absence of ten States was due solely to their refusal to recognize this change, and that their claim to enter before the ratification of the Fourteenth amendment amounted to "a demand that a bloody attempt to dissolve the Union shall be rewarded with increased representation of political power." The convention renominated Fenton for Governor, but displaced Thomas G. Alvord, the Lieutenant-Governor, for General Stewart L. Woodford of Brooklyn, a brave officer and brilliant orator, whose abilities as a campaigner, it was thought, would add strength to the ticket.<sup>7</sup>

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<sup>7</sup>The ticket was: Governor, Reuben E. Fenton, Chautauqua; Lieutenant-Governor, Stewart L. Woodford, Kings; Canal Commissioner, Stephen T. Hayt, Steuben; Prison Inspector, John Hammond, Essex.

The Democratic capture of the National Union movement was more than Raymond could stand. He had ceased to champion the President, no longer was able to believe in his honesty and "attribute his disastrous action to errors of judgment and infirmities of temper,"<sup>8</sup> and now in the face of Tammany's domination of the State convention and its demand in the name of "home rule" for the repeal of the legislation by which the substantial citizens of New York City had sought to secure public improvements and protection of health and property through commissions free from ring domination, he repudiated Hoffman, holding that the State had more to fear from him and his policy than from all the errors of radicalism. The conservative Republicans offered to renominate him for Congress, but he declined in a dignified defense of his course and returned to the editorial chair, which he ought never to have left; for, despite his brilliant gifts, his fickleness and his inability to gauge public feeling made his Congressional career a failure. Henry Ward Beecher, who until that time had been aligned with the conservatives, also came to the support of Fenton and made a powerful speech at the Brooklyn Academy of Music. Weed and Dix, however, stood by Hoffman, holding that Greeley and his friends who had sought to defeat the renomination of Lincoln were on the same road still. The campaign was a close one. Greeley declared that Saturn was not more hopelessly bound with rings than Hoffman,<sup>9</sup> and tried, but without success, to fix the taint of dis-

<sup>8</sup>Maverick, *Raymond and the New York Press*, p. 174.

<sup>9</sup>New York Tribune, November 1, 1866.

loyalty upon him. Fenton was opposed by the liquor interests, the Federal patronage, which was ruthlessly used against him, Thurlow Weed's still powerful influence, and all the Democrats, one of the most formidable combinations ever overcome in a State campaign. Gideon Welles wrote in October that Weed was "struggling to again get position," and flattered himself that he could get it by electing Seward to the Senate.<sup>10</sup> Seward predicted Hoffman's election by 40,000, but Fenton won by a plurality of 13,789, receiving 366,315 votes to Hoffman's 352,526. At the same time, the people voted by 96,490 plurality in favor of holding a Constitutional convention, casting 352,854 votes for and 256,364 against. The Republicans carried the Assembly, 82 to 46, and won 20 of the 31 Congressmen. Edmund L. Pitts, of Orleans, was elected Speaker of the Assembly.

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<sup>10</sup>*Diary*, II, p. 611.

## CHAPTER IV

### THE RISE OF CONKLING

1867

THE campaign of 1866 had brought conspicuously to the attention of the State the abilities of Roscoe Conkling. He had been Mayor of Utica and Representative in Congress, where his legal acumen and gifts of oratory had made him one of the most effective debaters on the radical side. On the stump he had been the voice of radicalism, denouncing the President as "passionate," "perfidious," and a "frenzied usurper."<sup>1</sup> Now he aspired to the Senate to succeed Ira Harris. Judge Harris was himself a candidate for reëlection. He had high character and good abilities, but at Washington had confined himself chiefly to looking after the individual wants of constituents, so much so that Lincoln is said to have humorously complained: "I never think of going to sleep now without first looking under my bed to see if Judge Harris is not there wanting something for somebody."<sup>2</sup> So far as he was concerned, New York counted for nothing in formulating national policies or in expounding them. Welles declared that he was "sly and manœuvring" and had "against his own

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<sup>1</sup>*Life and Letters of Roscoe Conkling*, pp. 278, 282.

<sup>2</sup>Andrew D. White, *Autobiography*, I, p. 134.

convictions gone with the radicals." At the same time Conkling appeared to him "vigorous and vain, full of spread-eagle eloquence."<sup>3</sup> The third leading candidate was Noah Davis of Albion, then a Justice of the Supreme Court of the Eighth district and afterward eminent as the Presiding Justice of the general term in New York City. Horace Greeley also had aspirations, but he made no campaign and soon came to realize that his stand for general amnesty, which led him to go on the bail bond of Jefferson Davis, had put him too far in advance of his radical friends. His old rivals of the *Times* favored him until he wrote a letter that they thought went farther than any conservative in giving power to the leaders in the Rebellion.<sup>4</sup> Another candidate was Charles J. Folger of Ontario, President *pro tem.* of the Senate and one of the ablest and most high-minded of its leaders, who afterward was to be Chief-Judge of the Court of Appeals, Secretary of the Treasury, and the ill-fated candidate of his party for Governor against Grover Cleveland in 1882. He soon retired from the field, as did Lyman Tremain, the Unionist candidate for Lieutenant-Governor in 1862, and George William Curtis, the editor of *Harper's Weekly*, all of whom threw their support to Conkling. Supreme Court Justice Ransom Balcom of Broome, Calvin T. Hulburd of St. Lawrence, and Thomas G. Alvord, the former Lieutenant-Governor, also had some advocates.

Davis seemed at first to be in the lead. Edmund L.

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<sup>3</sup>*Diary*, III, p. 20.

<sup>4</sup>New York *Times*, November 29, 1866.

Pitts, the Speaker, with his power over the committee appointments, came from his county. The geographical argument for a western candidate was emphasized. Conkling, however, had the powerful newspaper aid of Ellis H. Roberts in the Utica *Herald* at his home; and D. D. S. Brown of the Rochester *Democrat*, in Davis's own territory, after giving a complimentary support to Freeman Clarke, rallied necessary western votes for Conkling. Working for him, moreover, was the popular demand that New York have a "voice" and the feeling that he was the representative of a new, young, vigorous, and articulate Republicanism. Fenton was in a difficult position. He aspired to the Senate two years hence and did not wish his way blocked by another Senator from his own end of the State. At the same time Conkling's aggressive and arrogant personality already threw its shadow across his path of leadership. He would doubtless have preferred Harris, but before the caucus met on January 10 it was clear that the real struggle lay between Davis and Conkling. Folger had been expected to second Conkling's nomination, but he preferred to preside over the caucus and his place was taken by Senator Andrew D. White, who had supported Curtis as long as he was in the field. Ellis H. Roberts, who had secured an election to the Assembly solely to promote his townsmen's ambition, presented Conkling's name. In seconding it White declared that "the great State of New York, which had been so long silent in the highest councils of the nation, demanded a *voice*."<sup>5</sup> R. L. Burrows of Erie nominated Davis, laying stress

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<sup>5</sup>White, *Autobiography*, I, p. 136.

on the claims of that part of the State west of Cayuga Bridge, which had never had a Senator. Henry Smith of Albany urged the renomination of Harris on the strength of his past services. David W. Travis of Westchester, who without consulting Greeley presented his name, said that the Republican party owed more to him than to any other living man.

The first informal ballot gave Conkling 33, Davis 30, and Harris 32, with 7 for Balcom, 6 for Greeley, and 1 for Folger. The second ballot gave Conkling 39, while Davis's vote jumped to 41 and Harris's fell to 24. Balcom had 4 and Folger 1. Greeley's name had been withdrawn. On the third ballot Conkling had 45, Davis 44, Harris 18, and Balcom 2.

It was clear that Harris could not be nominated, and on the next ballot all but six of his supporters divided between the other candidates, Conkling receiving 53 and Davis 50. On the fifth ballot Conkling received 59 and Davis 49, while one vote controlled by Fenton, which had at first been cast for Folger but on the previous two ballots for Davis, went back to Folger. If five of the six remaining Harris votes had been added to Davis's fifty, they would have nominated him, and evidently Fenton, forced to the unwelcome choice, had taken what proved an unnecessary precaution to keep open his road to Washington.

On the same day the Democratic minority nominated Senator Henry C. Murphy of Kings, over A. Oakey Hall, whose name was confessedly presented merely to develop his political prestige in New York City. Under the State Constitution Murphy as a Senator was

ineligible, and the Republican press made much of this disregard of the Constitution by those who professed to be the chief champions of constitutional law.<sup>6</sup> But the nomination was a mere compliment, and the power of the State to impose any qualifications for United States Senator in addition to those of the Federal Constitution was at least doubtful.

The Governor, at this session, called on the Legislature to take up the question of enlarging the canals, and supported the recommendation of Victor M. Rice, State Superintendent of Public Instruction, for the abolition of the rate bill system in the public schools. An act was passed abolishing the rate bills and substituting local and State taxation exclusively on property for the mixed assessment that had been in part a tax on attendance. This act marked an epoch in the development of the educational system. Thenceforth the public schools were entirely free to the poorest citizen. The Legislature also passed an act making eight hours a legal day's work, but it did not affect farm labor, or service by the week, month, or year, or forbid special contracts for any period of work within twenty-four hours. Provision was made for an election of delegates to the Constitutional convention on April 23. Each Senate district was to elect four delegates and there were to be thirty-two delegates-at-large, equally divided between the two parties by an arrangement forbidding any elector to vote for more than sixteen of them. The result was the choice of ninety-seven Republicans and sixty-three Democrats.

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<sup>6</sup>Rochester *Daily Democrat*, January 16, 1867.

When the Republican State convention met at Syracuse on September 25, with James Gibson as temporary chairman, the rivalry between Fenton and Conkling manifested itself. Fenton's friends were in control of the convention and planned to make Lyman Tremain permanent chairman. By clever tactics, however, the Conkling minority secured for the Senator the prestige of this place. On the appointment of the committee on permanent organization, Senator Edward M. Madden moved in open convention that it be instructed to report Conkling for chairman. Resistance to this move meant an open break with Conkling, for which Fenton was not ready. The chair was given to Conkling, who aroused much enthusiasm by his defense of the radical party and his assertion that Johnson should be impeached. Two delegations appeared from New York City, the radicals under the leadership of Charles S. Spencer, and the conservatives who had followed Weed in support of Hoffman and now wished to get back into the party. Their leader was Rufus F. Andrews, who had been Surveyor of the Port under Lincoln. The conservatives could hardly expect to be seated and withdrew fully satisfied with the committee report that found irregularities committed by both factions and recommended action by the convention to harmonize their differences.

The radicals this time had their way with the platform. It declared that suffrage should be impartial and was a right not to be limited by property or color. It condemned the suspension of Stanton and the removal of Generals Sheridan and Sickles from their commands.

A bid was made for the Irish vote, which was sensitive over the arrest in British territory of Fenian agitators who made this country the base of their operations, by declaring for the protection of naturalized citizens in foreign lands "at all hazards." The platform declared against tampering with the public credit or "the slightest deviation from the path of financial integrity," and sought to meet revelations of frauds in canal contracts by promises to search out corruption in the State and promote economy in administration, both State and national.

When, however, the convention made its ticket, it unfortunately retired the Secretary of State, General Barlow, and Comptroller Hillhouse, who had been conspicuous for their attacks on the canal ring. The radicals, dissatisfied with the attitude of some of the State officials toward the conservatives, demanded a new ticket and argued that any exceptions in making a clean sweep would be invidious. Therefore they refused to yield to the arguments of justice or expediency, but named General James R. McKean for Secretary of State, Calvin T. Hulburd for Comptroller, and supplanted General Martindale by Joshua M. Van Cott of Kings for Attorney-General. Mr. Hulburd, who was in Europe, declined the nomination on reaching home, and the Republicans took the opportunity to strengthen their ticket by renaming Comptroller Hillhouse.<sup>7</sup>

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<sup>7</sup>The ticket was: Secretary of State, James R. McKean, Saratoga; Comptroller, Thomas Hillhouse, Ontario; Treasurer, Theodore B. Gates, Ulster; Attorney-General, Joshua M. Van Cott, Kings; State Engineer, Archibald C.

William M. Tweed planned to reassert the domination over the Democracy of the State that Tammany Hall had shown in defeating Dix the year before, by making Hoffman chairman of the State convention, which met at Albany on October 3. Horatio Seymour, however, who had been in virtual retirement since the collapse of his war policy, saw the tide turning from the radicals and determined to resume his leadership. Hoffman had to be content with the temporary chairmanship. He squarely challenged a growing sentiment of the Democracy by a declaration for the payment of every dollar of the national debt in accordance with the letter and spirit of the bond. He bitterly attacked the State administration's control of the city and its enforcement of the Excise law of 1866, which had forbidden the retailing of spirits in the metropolitan police district without a license, confined licenses to persons of good moral character, forbidden the sale of liquor to minors under eighteen years of age, and closed saloons between midnight and sunrise, and also on Sundays, with exceptional provisions for regular hotels. According to the report of the Police board on May 1, 1866, there were 9,250 places where intoxicating liquors were publicly sold, of which only 754 were licensed. The State law previously forbade Sunday sales, but every one of these places was openly violating Sunday provisions and a great majority of them every other provision of the liquor law. The Court of

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Powell, Onondaga; Canal Commissioner, John M. Hammond, Allegany; Prison Inspector, Gilbert DeLaMatyr, Wyoming; Judge of the Court of Appeals, Charles Mason, Madison.

Appeals, early in 1867, had sustained the act after its enforcement had for some time been suspended by injunctions from Judge Albert Cardozo. It had swollen the revenues of the city and had manifestly decreased drunkenness and disorder, but Hoffman frankly assailed it in the name of liberalism and "home rule." Seymour, as permanent chairman, evaded the financial question with generalities, but declared it "criminal folly" to exempt bonds from taxation. He said there could be no question of repudiation if paper money were made as good as gold, instead of being debased by Republican waste and partisanship. Then he proceeded to put before the convention one of the strangest issues ever made by a professed exponent of State rights doctrine, the issue of inequalities of representation in the United States Senate, where, he complained, New York with a population of four million people could be balanced by the threatened admission of Colorado with a population insufficient to uphold the rudiments of a State government. This complaint itself was just a side shot, but it was typical at once of Seymour's weakness and strength, his inconsistency and his power to make capital out of the details of an opponent's policy, while avoiding main issues.

The platform, though it denounced the Republican reconstruction policy as an attempt to attain power by establishing negro supremacy in the south, made no attempt to champion Johnson. It was clear that the Democracy had used Johnson for all he was worth, foresaw the impeachment, and was ready to abandon him. The bond question was evaded by a mere declara-

tion for "equal taxation," forced by Seymour and Tilden despite complaints that it was equivocal and without moral effect. The failure of the Constitutional convention to complete its work and promptly submit the question of negro suffrage to the people was criticised as an evasion by the Republicans of a paramount issue of the campaign. The platform denounced corruption in the management of the canals, the Excise law of 1866, and the extraordinary commissions created to control municipalities. Like the Republicans, the Democrats sought the Irish vote by a ringing reaffirmation of William L. Marcy's doctrine in the Koszta case, that all citizens were entitled everywhere to the protection of the flag. Homer A. Nelson of Dutchess was nominated for Secretary of State.<sup>8</sup>

The Republicans entered the campaign under distinct disadvantages. The October elections in Ohio, Pennsylvania, and Iowa showed a Democratic drift. The country was clearly wearying of the extremes of radicalism. On State issues they were at least no better off, and the Democrats made the most of the canal frauds, charging that the Republican candidate for Canal Commissioner had been involved in them back in 1855. They also made capital of the renomination of some Republican Senators who stood charged with corruption. Nelson, the candidate for Secretary of State,

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<sup>8</sup>The ticket was: Secretary of State, Homer A. Nelson, Dutchess; Comptroller, William F. Allen, Oswego; Treasurer, Wheeler H. Bristol, Tioga; Attorney-General, Marshall B. Champlain, Allegany; State Engineer, Van Rensselaer Richmond, Wayne; Canal Commissioner, John D. Fay, Monroe; Prison Inspector, Solomon Scheu, Erie; Judge of the Court of Appeals, Martin Grover, Allegany.

sought the country vote as a temperance reformer, while adjusting himself to the Tammany fight against any restriction of the liquor traffic by the doctrine that it was not "right because some persons abuse a benefit, that others should be deprived of it."<sup>19</sup> Besides the liquor interests, Tammany undoubtedly had the aid in New York City of fraudulent naturalization and registration, but the Democrats likewise gained in other parts of the State. They were the beneficiaries of a general reaction. Nelson won by 47,930 majority, receiving 373,029 votes as against 325,099 for General McKean. The Democrats also elected their other State candidates and carried the Legislature, electing 15 Senators and 73 Assemblymen, as against one Independent and 16 Republican Senators and 55 Republican Assemblymen. They made William Hitchman, of New York, Speaker.

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<sup>19</sup>Letter to E. C. Delavan, *New York World*, October 30, 1867.

## CHAPTER V

### THE CONSTITUTIONAL CONVENTION AND THE ERIE WAR

1867-1868

THE Constitutional convention met on June 4, 1867, and selected as its president William A. Wheeler of Franklin, afterward Vice-President of the United States. Few public bodies have shown a higher average of ability and character. Among the delegates were William M. Evarts, Horace Greeley, George William Curtis, Waldo Hutchins, Ira Harris, Charles J. Folger, Charles Andrews, Henry C. Murphy, Joshua M. Van Cott, Francis Kernan, George F. Comstock, Sanford E. Church, Samuel J. Tilden, Amasa J. Parker, and Theodore W. Dwight. The most important business of the convention was the reform of the judiciary system, which had proved utterly inadequate to the growing business of the State. The canal administration and the evident waste and corruption in the letting of contracts for repairs, called for investigation. The convention faced a popular conviction that bribery was rampant in the Legislature, and under existing law could not be punished. Then it had to deal with negro suffrage, a question on which many Republicans were inclined to take less radical views



GEORGE WILLIAM CURTIS

George William Curtis, editor and orator; born, Providence, R. I., February 24, 1824; joined the Brook Farm colony of which Nathaniel Hawthorne, Margaret Fuller and other distinguished American thinkers of their time were connected in 1842; traveled and studied abroad, 1846-1850; joined staff of the New York Tribune, 1857; delegate to the republican national conventions of 1860 and 1864; delegate at large to the constitutional convention of 1867; appointed in 1871 by President Grant to a committee which should draw up a plan of civil service reform; bolted the Blaine ticket and came out for Grover Cleveland in 1884; died at Staten Island, August 31, 1892.





#### HENRY WARD BEECHER

Henry Ward Beecher, clergyman; born at Litchfield, Conn., June 24, 1813; graduated from Amherst college, 1834; studied theology at Lane seminary near Cincinnati, O., under the tutelage of his father, the Rev. Lyman Beecher; first settled as a Presbyterian minister near Lawrenceburg, Ind., in 1837; removed to Indianapolis where he preached, 1839-1847; called to Plymouth Congregational church, Brooklyn, N. Y., 1847; acquired great reputation as a pulpit orator; withdrew with his congregation from the association of congregational churches in 1882 because of disbelief in eternal punishment; editor of *The Independent*, 1870; charged by Theodore Tilton, his associate editor, with having alienated the affections of his wife, 1874; jury disagreed in damage suit brought by Tilton; became a member of the republican party on its formation and addressed many political meetings; supported Cleveland in the presidential campaign of 1884; died at Brooklyn, N. Y., March 8, 1887.



with regard to New York than with regard to the south. The convention debated these questions ably and conscientiously through the summer, much to the dissatisfaction of Greeley, whose attacks on long speeches and week-end adjournments did much to prejudice the voters. The convention had been directed by the Legislature to present an instrument for submission to the people at the fall election, but it was unable to complete its work in time and on September 20 adjourned over election to November 12.

The convention ended its labors on February 28, 1868, and reported to the Legislature an instrument that removed the property qualification required of negroes under the old Constitution and gave them the franchise in equality with the whites. It sought to deal with canal corruption and centralize administration by abolishing the offices of State Engineer, Canal Commissioner, and Canal Appraiser, and giving the Governor power to appoint a Superintendent of Public Works and four assistants for five-year terms. It provided for a Court of Claims of three Judges to be appointed by the Governor. It left the election of Judges with the people, but in deference to the strong sentiment manifested in the convention in favor of the practice that had prevailed before 1846, it provided that the question of appointing Judges by Executive authority should be submitted to the people in 1873. It consolidated the eight general terms of the Supreme Court into four, and, in place of the old Court of Appeals, which consisted of four elected Judges and four Supreme Court Justices sitting with them for short periods, it provided

for a Court of Appeals to consist of a Chief-Judge and six associates to be elected by the people for fourteen-year terms. The term of Justices of the Supreme Court was also extended to fourteen years. The Legislature was reorganized so that the terms of half the Senators, who served four years, should expire every second year, and so that members of the Assembly should be elected by counties instead of districts. Provision was made against the passage of special laws and for the exercise of larger powers by Boards of Supervisors. A two-thirds vote of all the members of each house, instead of two-thirds of the members present, was required to pass a bill over the Governor's veto. The election of the Secretary of State and other State officers was fixed at the same time as that of the Governor. The powers and responsibilities of Mayors were increased, members of Common Councils were forbidden to hold any other office, and special acts for the government of cities were forbidden. A Prison commission of five persons, to be appointed by the Governor and confirmed by the Senate for ten-year terms, was substituted for the Prison Inspectors.

The convention, acting on the theory that it had the power and duty to fix the time and manner of submitting the Constitution, planned to submit the instrument at the general election of 1868 in three parts: The section relating to suffrage for negroes, the Judiciary article, and the rest of the Constitution. The convention, however, in the act providing for the election of delegates had been ordered to prepare a Constitution for submission in 1867. It having failed to do this, the Legisla-

ture assumed the right to fix the time and manner of submission of the proposed Constitution. The Democratic Assembly of 1868 passed an act for its submission in November, but this was blocked in the Republican Senate, and nothing was accomplished at this session except an act that ratified the proceedings of the convention held beyond the time originally fixed, with the saving clause that nothing therein contained should be held to ratify any form proposed by the convention for submitting the Constitution to the people. Not until the next session was legislation secured for submission. The Constitution was voted on at the general election of 1869 and then in four parts, the amendment for equal assessment and taxation being separately submitted, in addition to the three questions proposed by the convention. Then the Judiciary article alone was approved, by a vote of 247,240 to 240,442. The Taxation amendment was lost by 89,448, the Suffrage amendment by 32,601. The rest of the Constitution was rejected by 66,521 majority. This Constitution had many excellent features and anticipated several reforms, which were later adopted, but it was then denounced as a "vast scheme" of centralization and usurpation and was sacrificed to prejudice, to Republican half-heartedness, Democratic hostility, and the political manipulation of Tweed, who had no wish for safeguards against corruption either in State or city.<sup>1</sup>

The struggle between Daniel Drew and Cornelius Vanderbilt for control of the Erie Railroad kept the

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<sup>1</sup>This brief summary of the work of the convention is chiefly based on Charles Z. Lincoln's *Constitutional History of the State of New York*.

Legislature of 1868 in a turmoil. Beginning in 1866, while treasurer of the Erie, Drew had obtained \$3,000,000 of convertible bonds as collateral for loans, and also 10,000 shares of stock issued in exchange for stock of the Buffalo, Bradford & Pittsburgh Railroad, which the Erie had leased. Vanderbilt began to buy stock in the open market, carrying up the price, while Drew sold short a vast quantity of stock at 97. Then he converted his bonds and threw his stock on the market, sending the price to 51. At the annual election of 1867, Vanderbilt unseated Drew from the board of directors, placed one of his own partisans, Frank Work, in it, and made John S. Elbridge, a representative of Boston interests, president. At the same time, Jay Gould and James Fisk, Jr., were admitted to the board and soon allied themselves with Drew to wrest control from Vanderbilt. A supposed Vanderbilt supporter resigned from the directorate and Drew was elected to the vacancy and again made treasurer. The struggle was then taken into the courts. On February 21, 1867, Justice George G. Barnard enjoined the Erie from paying principal or interest on Drew's borrowings as treasurer. Attorney-General Champlain also brought action before Justice Barnard for the removal of Drew from the treasurership, on the ground that he had palmed off a worthless road on the Erie and then exchanged his holdings in it for Erie stock. Barnard suspended Drew as treasurer and director, forbade the issue of any new stock, and ordered Drew to return the 10,000 shares he had obtained by the Buffalo, Bradford & Pittsburgh transaction, and the 58,000 shares he had

acquired by converting bonds. In retaliation Drew obtained an order from Justice Ransom Balcom of Binghamton suspending Frank Work from the directorate and staying all other proceedings. Then Vanderbilt shot back with an order from Barnard forbidding the Erie directors to transact any business without Work's participation. Vanderbilt was still buying stock and Drew continued to issue and convert bonds into stock and furnish it, regardless of the courts. Other Judges with conflicting orders were dragged into the case, and Drew, Gould, and Fisk took refuge in Jersey City.

Then the struggle came before the Legislature, and the whole transaction was investigated by a Senate committee, appointed March 6, 1868, consisting of Senators Pierce, Bradley, Mattoon, Chapman, and Humphrey. The last two signed a report on April 1, which sustained the Erie officials, held that the securities had not been issued in willful violation of law, and favored legalizing the acts of the directors. A majority reported that Drew had issued bonds for his own personal gain and that Fisk and Gould were probably interested with him. They favored an act making the fraudulent issue of securities or the conversion of proceeds a felony. Senator Mattoon, who had been in close conference with Drew and had agreed to the minority report the day before it was made, was openly charged with having sold out to Vanderbilt. The fact that, after the committee had been agreed on to consist of three persons, it had been increased to five on Mattoon's motion and he became one of the additional

members, gave color to the charge that he had sought the committee and acted on it for personal profit. The Senate passed a bill in line with the minority report and Mattoon again swerved and voted for it. The Assembly first defeated the bill to legalize the acts of the Erie directors. At this point Assemblyman E. M. K. Glenn of Wayne charged that an attempt had been made to purchase his vote in favor of the Vanderbilt interests. An investigating committee was immediately appointed, and after some delay Glenn said that the would-be briber was Alexander Frear, a member of the investigating committee. But his testimony was entirely inconclusive. Other testimony suggested that Glenn, having scented money in the air, had asked his colleagues about it and had been directed to Frear as a joke. At any rate it appeared that Frear had not sought him, but had been summoned by others to meet him, and so the committee reported that the charges were unjustified. Drew and Vanderbilt in the meantime reached a compromise. The action of the Erie directors was legalized, all litigation withdrawn, and Gould and Fisk became masters of the road, which they proceeded to loot with the aid of the Tweed ring. Tweed and Peter B. Sweeney, who had before acted for Vanderbilt, entered the Erie board, and Justice Barnard likewise transferred his allegiance and, together with Justice Cardozo, made the courts the instrument of Gould's manipulations.<sup>2</sup>

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<sup>2</sup>For detailed accounts of the Erie war and its relation to politics see Charles Francis Adams's *Chapters of Erie*; John D. Townsend's *New York*

The talk of corruption was so widespread that a Senate committee consisting of Matthew Hale, Francis S. Thayer, and Asher P. Nichols was appointed on April 10 to investigate bribery in the Legislature. During the next ten months it took much testimony and reported on March 10, 1869, that it found no proof of actual bribery of any Senator, but it did find payment of large sums by Erie officials to outsiders to be used corruptly for promoting the railroad legislation of 1868. The committee severely criticized the "utter recklessness" of newspaper charges about legislative corruption. It took pains to insure publicity for Erie expenditures intended to secure newspaper support, but was quite unable to find any corruption reaching Senators, even Mattoon. The money stopped with the lobbyists, some of whom received it on false pretenses of influence. The committee recommended an act, which was passed, exempting from prosecution the giver of an accepted bribe so as to secure testimony of corruption, and also making it an indictable offense for any officer of a corporation to use its money for corrupt purposes.

Many complaints of corruption, growing out of the contract system of canal repairs, came before the Legislature. The Assembly impeached Canal Commissioner Robert C. Dorn as the result of investigations made by a select committee appointed the year before, but on the trial before the Senate and the Judges of the Court of Appeals in May Dorn was acquitted by a

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*in Bondage*, ch. ii; *Senate Documents*, 1868, Vol. V, and 1869, Vol. V; and Homer L. Stebbins's *Political History of the State of New York*, 1865-1869 (Columbia University thesis), ch. x.

vote of 8 guilty to 20 not guilty. Attempts were also made to place the canal work in the hands of a superintendent. The Republican Senate, however, after a conference had agreed on a bill abolishing the contract method, defeated the measure. This failure of reform tended to make a political issue of corrupt government. The next Democratic State convention indorsed the Assembly bill, while the Republicans indulged in generalities on economies and probity, but the subject was lost sight of in the excitement of the Presidential campaign.

## CHAPTER VI

### GRANT AND SEYMORE

1868

THE widespread reaction toward the Democratic party in 1867 presented a serious problem for the Republicans in the Presidential campaign. General Grant's name was naturally before the public from the close of the Civil War. In this State, as early as March 1, 1866, the Republican city convention of Rochester unanimously indorsed Grant for President. This movement was organized by D. D. S. Brown, whose newspaper, the Rochester *Democrat*, of March 2, said:

"We are proud that this city is the first in the land to set the ball in motion. It will roll through the land from the shores of Ontario to the coasts of the Gulf of Mexico and over the mountains and plains to the Atlantic on the one hand and the Pacific on the other, gathering size and strength as it goes and sweeping all obstacles from its path. General Grant is in sympathy with Congress and the Republican party on the great questions of the day. His nomination is a safe and sound one. Few candidates could be trusted to undergo the ordeal of a two years' campaign. Grant is one of the few. We can depend on his judgment and reticence. He will write no foolish letters, make no disgusting speeches. He will harmonize and reconcile all factions and draw to our standard multitudes of good and quiet citizens who care little for parties and are not concerned about platforms but who want to see the government in honest, strong, and wise hands."

Nevertheless, Grant's report on southern conditions in 1865 and his "swinging 'round the circle" with Johnson in 1866 filled the radicals with distrust. This was not lessened by the action of the Republican general committee of New York City, under the domination of Thurlow Weed and the conservatives, in presenting Grant's name on July 23, 1867, or by Johnson's selection of Grant for Secretary of War when he suspended Stanton in August, 1867. In October Greeley in the *Tribune* forcibly objected to the movement, and in November said: "General Grant we esteem by no means a great man, nor even a great general."<sup>1</sup> But Grant's refusal to hold possession of the war office after the Senate declined to concur in Stanton's suspension and his subsequent controversy with the President brought the radicals to his support and assured him long before the national convention a unanimous nomination. The Republican State convention met in Syracuse on February 5, 1868, to select delegates to Chicago. The Fenton forces were in control and made Luther Caldwell temporary and Charles H. Van Wyck permanent chairman. The conservative organization from New York City made their usual demand for representation and left the hall when the convention invited them merely to seats on the floor. Major-General Daniel E. Sickles, Lyman Tremain, Charles Andrews, and D. D. S. Brown were chosen delegates-at-large and were instructed to support Grant for President and Fenton for Vice-President.

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<sup>1</sup>New York *Tribune*, October 15, 1867, and November 17, 1867.

The national convention assembled at Chicago on May 20, and nominated Grant by a unanimous vote. But the anti-Fenton men, led by Charles J. Folger and Richard Crowley, who had been overwhelmed at Syracuse by the tactics of Caldwell, Van Wyck, and Ben Field, made their voice heard at Chicago among the delegates from other States, though their influence was largely discounted by Fenton's circular showing that most of them had supported Hoffman for Governor. The northern States were divided, other candidates for Vice-President being ex-Governor Andrew G. Curtin of Pennsylvania, ex-Vice-President Hannibal Hamlin of Maine, Senator Benjamin F. Wade of Ohio, Senator Henry Wilson of Massachusetts, and Speaker Schuyler Colfax of Indiana. It took six ballots to nominate. Fenton, whose name was presented by Lyman Tremain, started second on the first ballot with 126 votes against 147 for Wade, gaining up to 144, and ending on the sixth ballot second with 69 votes against 541 which nominated Colfax, and 38 which still stood by Wade. Fenton had the solid vote of New York under a unit rule instruction, and almost two-thirds of his remaining strength came from southern States.

The Democratic State convention, at Albany on March 11, was entirely non-committal as to candidates and principles. Seymour spoke for a complete opportunists' policy and Tilden denounced the Republicans for impoverishing the country, centralizing power, paralyzing industry, multiplying taxation, and elevating negroes while degrading the whites. Horatio Seymour, Samuel J. Tilden, Sanford E. Church, and Henry C.

Murphy were chosen delegates-at-large to the national convention, which met in the new Tammany Hall, New York City, on July 4. The chief candidates were Salmon P. Chase, Chief-Justice of the United States, who had been Lincoln's Secretary of the Treasury and had sought to supplant him in 1864; George H. Pendleton of Ohio, who had run for Vice-President on the McClellan ticket in 1864 and who now appeared as champion of the "Ohio idea" of paying off government bonds in greenbacks; and Senator Thomas A. Hendricks of Indiana, who also adopted the "Ohio idea" against the advice of some of his cleverest political friends,<sup>2</sup> who argued that if that policy won Pendleton would be its beneficiary while Hendricks would suffer equally if it failed. General Winfield Scott Hancock was also a candidate, as likewise was President Johnson. Seymour had repeatedly declined to enter the race, and Admiral Farragut had refused to become a rival to Grant. General Francis P. Blair, Jr., of Missouri, might have been seriously considered if he had not put himself on record in a letter declaring that the reconstruction work of Congress was unconstitutional, and that if the Democrats elected a President he should declare the acts of Congress void and "compel the army to undo its usurpation in the south, disperse the carpetbag State governments, and allow the white people to reorganize their own governments and elect Senators and Representatives."<sup>3</sup>

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<sup>2</sup>*The Rochesterian: Selected Writings of Joseph O'Connor*, I, p. 20.

<sup>3</sup>Letter to James O. Broadhead, *New York World*, July 3, 1868.

Although New York had the chairmanship of the committee on resolutions in the person of Henry C. Murphy, an honest man who opposed any compromise with repudiation, Pendleton's friends had their way and forced a platform saying that all obligations of the government, not payable in coin, ought to be "paid in the lawful money." The New Yorkers, under Tilden's lead, accepted the platform, but were determined not to be led to defeat by Pendleton, loaded down as he was with financial heresies and an anti-war record. So Tilden threw the vote of the State for the first seven ballots to Sanford E. Church. Then he suddenly dropped Church for Hendricks, though Hendricks was open to the same objections as Pendleton. This served the purpose of drawing votes from the Ohio candidate and Tilden persisted in it, though Vallandigham, who opposed Hendricks, urged him to support Chase. The eighteenth ballot, taken just before adjournment on the fourth day, gave Hancock  $144\frac{1}{2}$  votes, Hendricks 87, Pendleton  $56\frac{1}{2}$ , with 29 votes scattered.

That night Tilden had a secret meeting with Allen G. Thurman and other Ohio leaders.<sup>4</sup> The next morning at a meeting of the New York delegation, Seymour advocated a shift from Hendricks to Chase, and this was finally agreed upon. When the convention opened, Pendleton's name was withdrawn, and if New York had then voted for Chase he would probably have been nominated, but Tilden made no move. The growth of Hendricks's vote on the withdrawal of Pendleton gave an excuse for standing by him. After the twenty-first

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<sup>4</sup>D. S. Alexander, *A Political History of the State of New York*, III, p. 203.

ballot, which gave Hendricks 132 to Hancock's 135½, the Ohio delegation withdrew for consultation. When it returned it proposed Seymour. The New Yorker, who was presiding over the convention, sought to stem the tide, holding that duty and honor were at stake and declaring, "Gentlemen, I thank you for your kindness, but your candidate I cannot be." State after State, however, threw its vote to Seymour, and finally Tilden arose, apparently yielding to the storm. He said: "Last evening I did not believe this event possible. There was one obstacle—Horatio Seymour's earnest, sincere, deep-felt repugnance to accept this nomination. I did not believe any circumstance would make it possible, except that Ohio, with whom we have unfortunately been dividing our votes, should herself demand it." In view of the conference of the night before, his confidence that Ohio would force his hand was not unnatural. Tilden publicly disavowed any part in turning the nomination to Seymour, but it is difficult to accept this disclaimer except on the theory that he was really working for himself. This was charged by Blair. Gideon Welles records: "Blair tells me that Samuel Tilden wanted to be the candidate of the Democrats for President. It is hardly credible, and yet in that way better than any other can his conduct and that of the New York Democratic politicians be accounted for."<sup>5</sup> Alexander Long, on the other hand, said that Tilden was a candidate for the United States Senate and thought that with Seymour the Democrats would carry

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<sup>5</sup>New York *Times*, September 4, 1868.

the Legislature.<sup>6</sup> A less selfish reason in explanation of Tilden's conduct may be found in Tilden's determination at all hazards to prevent the nomination of Pendleton and his unwillingness to accept Chase, though he had let New York commit itself to him.

While the Democrats in national convention in New York were completing their work by nominating Horatio Seymour for President and Francis P. Blair, Jr., of Missouri, for Vice-President, the Republicans were meeting in Syracuse on July 8 to nominate the State ticket. Henry Smith of Albany was temporary, and General John Cochrane of New York permanent chairman. Though the conservatives did not send delegates from New York City, the old controversy broke out afresh when a committee was proposed to take up the New York situation. Charles S. Spencer, the radical leader, protested against the appointment of Matthew Hale to the committee, declaring that he had done all in his power to thwart Fenton's administration. Hale denied this and refused to serve. The matter was finally closed by the appointment of a committee of two from each judicial district outside of New York to report on the subject at the next convention, and by the adoption of a plan for representation in the State convention more in proportion to the Republican votes. Although Lyman Tremain, Charles H. Van Wyck, Marshall O. Roberts, and Frederick A. Conkling, a brother of the Senator, had all been talked of as candidates for Governor, only three names were presented to the conven-

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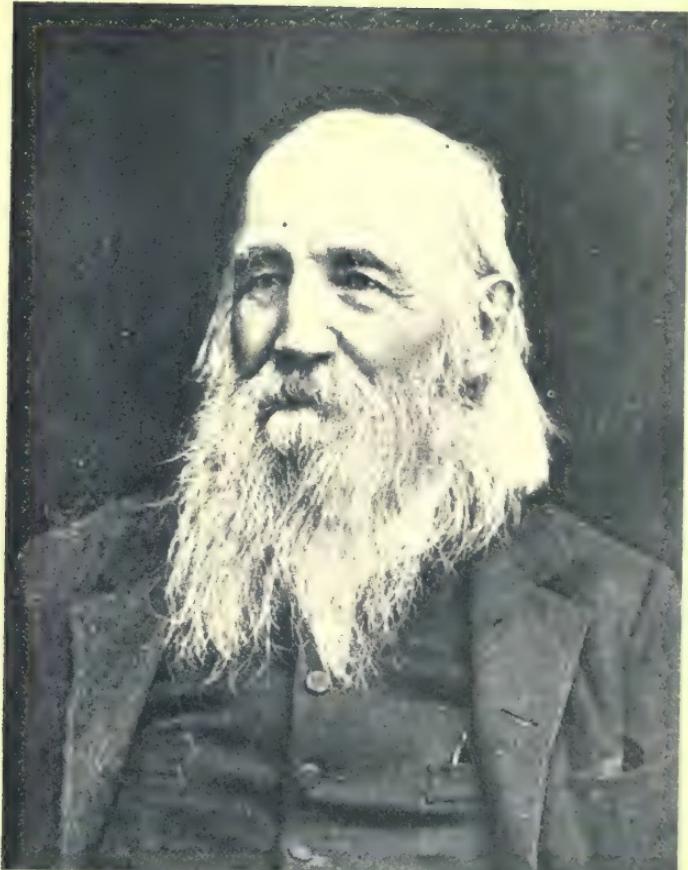
<sup>6</sup>New York *Times*, September 4, 1868.

tion. These were Horace Greeley, Lieutenant-Governor Stewart L. Woodford, and John A. Griswold of Troy, a member of Congress and a business man of large executive ability and great personal popularity. Greeley was the popular favorite. He apparently had the support of Fenton, and Chauncey M. Depew's speech placing him in nomination aroused the greatest enthusiasm, even bringing the friends of the other candidates into the demonstration. On the roll-call, however, Griswold received 247 votes, while Greeley had only 95 and Woodford 36.

The difference between the applause and the vote has been variously explained. Some thought it a betrayal of Greeley and an attempt to humiliate him. Perhaps it may be more justly attributed to the fact that the delegates themselves, while they honored Greeley, distrusted his capacity for political leadership and feared that his signing of Jefferson Davis's bail bond and the enemies acquired in a long career of bitter editorial controversy would make him an impossibly weak candidate. The Democratic Albany *Argus* laid Griswold's nomination at the door of Fenton,<sup>7</sup> while on the other hand the Rochester *Democrat*, controlled by D. D. S. Brown, a friend of Fenton, alone among Republican State papers criticised the nomination of Griswold, believing that Greeley would have been a better choice, but consented to support the candidate.<sup>8</sup> For Lieutenant-Governor the convention nominated Alonzo B. Cornell of Tompkins, by 219 votes to 88

<sup>7</sup>Albany *Argus*, July 13, 1868.

<sup>8</sup>Rochester *Daily Democrat*, July 9, 1868.



THOMAS G. ALVORD

Thomas G. Alvord, lieutenant governor; born, Onondaga Hollow, N. Y., December 20, 1810; graduated, Yale college, 1828; admitted to the bar at Albany, 1832; practiced law in the village of Salina and the city of Syracuse, 1833-86 and then entered the lumber and salt manufacturing business on an extensive scale until 1863. He served for 15 terms in the state assembly, 1844, 1858, 1862, 1864, 1870-72, 1874-1875 and 1877-1882; was speaker of the assembly in 1858 and 1864 and first speaker in the new capitol in 1879; lieutenant governor, 1865-66 and delegate to the state constitutional conventions of 1867 and 1895; died at Syracuse, N. Y., October 26, 1897.



for Augustus Frank of Wyoming and 6 for General Franz Sigel of New York.<sup>9</sup> The platform indorsed Grant and Colfax, praised the administration of Fenton, and rejoiced in "the intrepidity, sagacity, and foresight" of Congress in the work of reconstruction, which had been "betrayed by a recreant President."

The Democrats met in Albany on September 2, with H. O. Chesebro as temporary chairman and Robert Earl, afterward Chief-Judge of the Court of Appeals, as permanent chairman. Before the convention a strong anti-Tammany combination had been made for the nomination of Henry C. Murphy; but the Vermont State election on September 1, which showed a strong drift to the Republicans, convinced Murphy that a nomination would be an empty compliment and he withdrew, allowing Tweed to nominate John T. Hoffman by acclamation. Hoffman was a man of marked ability and at this moment of great promise. He was distinguished in manner, had the "grand air," yet was genial and popular. He had made a reputation for firmness and loyalty in the draft riots. He had every prospect of a long and brilliant career, but in the Governor's office he was too late in emancipating himself from Tweed. With Tweed's fall his political availability ended, and he lived neglected in Europe till his death in 1888. A sharp contest developed over the candidacy for Lieutenant-Governor. Tweed had promised the nomination to Albert P. Laning of Buf-

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<sup>9</sup>The ticket was: Governor, John A. Griswold, Rensselaer; Lieutenant-Governor, Alonzo B. Cornell, Tompkins; Canal Commissioner, Alexander Barkley, Washington; Prison Inspector, Henry A. Barnum, Onondaga; Clerk of the Court of Appeals, Campbell H. Young, Livingston.

falo, but District Attorney Samuel D. Morris of Brooklyn, while professing no personal opposition to Laning, denounced Tammany as a corrupt organization which purposed through Hoffman to control the patronage of the State, and through Seymour to dominate the whole country. "Let them once secure that," he said, anticipating the disclosures of 1871, "and the unfinished court house, and like jobs of theirs, will sink into insignificance when compared with what they will undertake in the same line."<sup>10</sup> On the ballot the nomination went to Allen C. Beach of Jefferson, who received 77 votes to Laning's 47.<sup>11</sup> The platform called for the immediate restoration of all the States to rights "of which some of them are deprived by the unconstitutional and revolutionary measures of a Congress which is perpetuating disunion, and, by its usurpations of power, threatens the establishment of a centralized government in place of a Federal Union of equal States." It adopted the "Ohio idea," declaring for the payment of public obligations in strict accordance with their terms, "in gold only when gold is nominated in the bond, and in lawful currency of the country when coin is not specified." It called for the taxation of government bonds and the discontinuance of inquisitorial modes of assessing and collecting internal revenues, and adopted the slogan, "One currency for the government and the people, the laborer and the office-holder, the

<sup>10</sup>New York Tribune, September 3, 1868.

<sup>11</sup>The ticket was: Governor, John T. Hoffman, New York; Lieutenant-Governor, Allen C. Beach, Jefferson; Canal Commissioner, Oliver Bascom, Washington; Prison Inspector, David B. McNeil, Cayuga; Clerk of the Court of Appeals, Edward O. Perrin, Queens.

pensioner and the soldier, the producer and the bond-holder," leaving the public to interpret it at will as a bid for cheap money or a policy for putting greenbacks on a par with gold.

The New York campaign turned largely on national issues, although the same dissatisfaction with the Republican State administration, particularly the exercise of legislative control over New York City that had been so pronounced the year before, aided the Democrats. Griswold was attacked for his vote in Congress to reimburse his own firm for losses in the construction of the "Monitor," while Hoffman was denounced as a creature of Tammany Hall. The Democrats were full of confidence. In midsummer Tilden wrote that not since the days of Andrew Jackson had "the omen of victory to any party or any cause been so clear."<sup>12</sup> But after the October elections, which foretold a Republican victory, the New York *World*<sup>13</sup> in its "Change of Base" editorial called on Seymour to assume leadership and suggested that Blair could aid in a "more chivalrous way." Yet in the same issue it quoted Seymour as saying that any change in the ticket must include himself. Blair had already offered to retire.<sup>14</sup> The next day the *World* told him that reflection would convince him that the ticket would be strengthened if he did. This was clearly an indirect move for an entirely new ticket. But change was impossible. Blair retired into the background, while Seymour sought to conciliate the

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<sup>12</sup>Bigelow's *Life of Samuel J. Tilden*, I, p. 217.

<sup>13</sup>New York *World*, October 19, 1868.

<sup>14</sup>Speech at St. Louis, October 16, 1868.

northern States with adroit speeches of peace and good will.

Manton Marble was absent from New York when the *World* made its attack, and was not responsible for it, but it continued to dog his footsteps. Eight years later it probably prevented his nomination for Governor. True to the ethics of his profession, when friends of Seymour said they would vote for him if his assurance that he did not write the articles should be supplemented by the name of their author, he declared that he had always made it a rule never to reveal the names of contributors, and he would not even to secure the Governorship. The New York *Tribune*<sup>15</sup> believed that the inspiration for the *World* attack came from Washington McLean of Cincinnati in the interest of Chase, but close associates of Marble have believed that the article was written by Tilden.<sup>16</sup> If so, the fact would throw a sinister light upon the tangled web that he wove in the convention at Tammany Hall.

The election resulted in the overwhelming defeat of Seymour, who carried eight States with 80 Electoral votes, while Grant carried twenty-six States with 214 Electoral votes. Seymour made a better showing with the popular vote, 2,709,633 being recorded for him, against Grant's 3,015,068. The Democrats were successful, however, in carrying New York, giving Seymour 429,833 to Grant's 419,833, an even 10,000 majority. Nevertheless, the Republicans elected 18 of

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<sup>15</sup>New York *Tribune*, October 20, 1868.

<sup>16</sup>Statement to the author by Dr. Talcott Williams, who in 1876 acted as Marble's agent in conference with Seymour's friends.

the 31 Congressmen and obtained a majority on joint ballot in the Legislature. The hold-over Senate stood 17 Republicans to 15 Democrats, and the Assembly 76 Republicans to 52 Democrats. The returns gave Hoffman 439,301 to Griswold's 411,355, a majority of 27,946. Truman G. Younglove of Saratoga was chosen Speaker of the Assembly.

The Republicans had before election predicted frauds, and sought through the United States court to prevent them. Immediately afterward, the Union League Club demanded an investigation of the wholesale fraudulent naturalization, registration, and balloting, which were apparent on the slightest examination. Shortly before election, a "strictly confidential" circular was sent out from the Democratic State committee under the name of Samuel J. Tilden, chairman, instructing trusted agents in the up-State towns and cities "to telegraph to William M. Tweed, Tammany Hall," at the minute of the closing of the polls—not waiting for a count—the agent's estimate of the vote. The professed object was to learn the drift of the vote before the telegraph wires were choked with the actual results. Tilden denied knowledge of the circular, but, while refusing to believe it had any improper intent, failed to throw any light on its origin. The Republicans charged the purpose was to learn how many fraudulent votes must be counted in New York City to overcome the Republican majority in the country. There can be little doubt that it served that purpose. In twenty election districts investigated by the *Tribune*, the vote counted for Hoffman largely exceeded the total regis-

tration, which was itself greatly swollen from former years.

The House of Representatives, in response to the demand of the Union League Club, appointed an investigating committee, which after great difficulty in obtaining documents and witnesses, some of whom were brought in under arrest, submitted a majority report on February 23, 1869. The majority reported that thousands of aliens had been fraudulently provided with naturalization papers, that thousands of certificates had been counted in the names of fictitious persons, that large numbers of persons had voted from two to forty times, that extensive frauds were committed in canvassing the ballots, that these frauds showed a criminal purpose in some of the courts and gross neglect of duty and disregard of law by the officials. Official influence had shielded the perpetrators of the frauds in most cases from detection and prevented the punishment of others, and through these methods Hoffman and the Democratic Electors had been fraudulently chosen.

An impressive array of facts was presented to justify these conclusions.<sup>17</sup> In the five preceding Presidential elections, the ratio of votes to population had been 1 to 8, while in 1868 it was 1 to 4.65. Between 1856 and 1867, the Superior Court and the Court of Common Pleas, which alone attended to this business, had naturalized an average of 9,000 persons a year. The Supreme Court for the first time began to issue naturalization papers on October 6, 1868, yet it issued before the

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<sup>17</sup>Reports of Committees of the House of Representatives, 3d Session, Fortieth Congress.

end of the year 10,070 naturalization papers, while for the whole year the Common Pleas issued 3,145, and the Superior Court 27,897. On taking up this business, the Supreme Court ordered 105,000 blank applications and 69,000 certificates, though 10,000 certificates a year had long been the total normal issue. Many of these certificates could not be accounted for, and Justice Barnard refused access to the records. Justice John R. Brady of the Supreme Court and Judge Charles P. Daly of the Common Pleas thought from three to five minutes necessary to examine an applicant, while Judge McCunn of the Superior Court, who ground one of the naturalization mills, stated that he could examine an applicant in thirty seconds. He did not even let the applicants enter his court room, but only the witnesses, who swore to the identity of the waiting applicants. Justices George G. Barnard and Albert Cardozo turned out 1,800 to 2,100 citizens a day. They were brought in before Barnard in batches of 150 to 200, and as many sworn at one time as could touch a Bible held up among them. In October the *Nation* reported that one of the Judges invited a friend to sit with him and for diversion abandoned the prepared list of applicants and began to call imaginary names. For every name a man answered. "Finally, seeing a person scratching his head, the Judge called out, 'George Scratchem!' 'Here,' responded a voice. 'Take that man outside to scratch,'" said his Honor to an usher, and resumed the more regular manufacture of voters."<sup>18</sup>

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<sup>18</sup>New York *Nation*, October 29, 1868.

Notwithstanding such evidence, the minority of the Congressional committee could see in the testimony "only stale slanders" and proof of minor irregularities, and not more than 2,000 fraudulent votes, half of which were Republican. The minority took special pains to give a clean bill to the Supreme and Superior courts, and it accounted for the great increase in naturalization by the requirements of the Republican Registry law of 1865, which called for the production of certificates by naturalized citizens.

Immediately after his election as Governor, Hoffman resigned the Mayoralty, and a successor was elected on December 2 to fill the vacancy for one year. The Democrats nominated A. Oakey Hall, then District Attorney. The Republicans put up Colonel Frederick A. Conkling, who was indorsed by the anti-Tammany Democratic factions. Hall was elected by 54,274 votes, receiving 75,109 to Conkling's 20,835.

## CHAPTER VII

### FENTON WINS THE SENATORSHIP

1869

THOUGH Tweed had elected his Governor, he had not yet been able to invade the legislative stronghold of the Republicans, whose majority of twenty-six on joint ballot assured the continuance of a Republican in the seat of Senator Morgan. Tweed at one time had an idea of helping the Republicans to choose their Senator, and offered to throw Democratic votes to Charles J. Folger, who would be less troublesome in Washington, since there must be a Republican Senator, than in Albany, where Tweed had to find Republicans who could be dealt with in order to raid the city treasury. Rumors were current that Folger and the conservatives were prepared to go into such a combination if necessary to beat Fenton.<sup>1</sup> Nothing came of the plan, however, and the minority again nominated Henry C. Murphy.

Senator Morgan was a candidate for reëlection and had the support of those elements in the party that

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<sup>1</sup>Alexander, *A Political History of the State of New York*, III, p. 223. Also an unpublished letter of Congressman W. H. Kelsey of Geneseo to D. D. S. Brown, dated Washington, December 17, 1868, saying: "Have just heard a story that may or may not be true. But I fear there is something in it. It is this: That Folger and other Senators have been to New York and agreed to defeat Fenton by combining with the Copperheads, if they can do it in no other way."

Conkling was welding together for the overthrow of Fenton. In the earlier stages of reconstruction, Morgan supported Johnson, in close alliance with Thurlow Weed. He had receded from this position and indeed voted with the radicals on the impeachment of Johnson. Secretary Welles wrote that he had "become sadly debased," that he "knew what was right," yet "wickedly voted" on the Civil Rights bill, on impeachment, and on the admission of evidence at the trial.<sup>2</sup> Nevertheless, the Johnson administration preferred him to Fenton. He continued to receive Federal patronage in New York and found it necessary to get indorsements of his loyalty to radicalism from Wade and Sumner, who backed his candidacy, as well as testimony from Stanton that General Wadsworth had specifically acquitted him of treachery in the election of 1862.<sup>3</sup> In the earlier stages of the campaign Morgan's friends were supremely confident, but Fenton, though out of office, was not out of power. He had made an acceptable Governor and had especially commended himself to favor by his vetoes. While corrupt canal contractors had flourished in his administration, the Governor could not fairly be held responsible, for he had little or no power over the elective officials who administered the canals. He had an effective organization in every part of the State. Waldo Hutchins marshaled the New York City radicals to his support; in western New York D. D. S. Brown carried on a vigorous campaign in the Rochester *Democrat* for him; and Truman G. Younglove of Sar-

<sup>2</sup>*Diary*, III, p. 509.

<sup>3</sup>Alexander, *A Political History of the State of New York*, III, p. 218.

toga, whom the Morgan men had agreed to as an acceptable Speaker, proved to be the keystone of the arch that carried him to Washington. Greeley in the *Tribune* advocated the election of Marshall O. Roberts, but he preferred Fenton to Morgan.

As the fight grew hot, Morgan's friends began to charge Fenton with corruption. The New York *Commercial Advertiser*,<sup>4</sup> an organ of the conservatives, which had been edited by Thurlow Weed until his health broke down and was then under the editorship of Hugh J. Hastings, revived an old charge that Hamilton Harris, the Governor's counsel, had received \$20,000 for Fenton's signature to the Erie bills. The Hale committee the year before had heard this tale. Henry Thompson, a director of the Erie, had refused to answer the questions about campaign contributions on the ground that they were outside the scope of the committee's inquiry, but Thomas Murphy, one of the leaders of the conservative or Conkling forces in New York, testified that Thompson had told him that he saw money in Harris's possession, and Murphy testified that Jay Gould had refused to give him a campaign contribution because he had already contributed \$20,000 to the Republican funds. Both Gould and Harris, however, disclaimed all knowledge of the transaction, and the charges, so far as they implied any corruption on Fenton's part, were generally discredited. The *Tribune* dismissed them as stale slanders, while the Rochester *Democrat* made them the occasion of an attack on Thurlow Weed, which provoked from Hastings an open

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<sup>4</sup>New York *Commercial Advertiser*, January 2, 1869.

letter to Brown, protesting that Weed had had absolutely no part in the campaign and no responsibility for the *Commercial Advertiser's* course.<sup>5</sup> John M. Francis in the *Troy Times* proposed John A. Griswold as a compromise candidate, but Griswold declined on the ground that he ran for Governor on the understanding that Morgan was to succeed himself, and he could not in good faith oppose him.<sup>6</sup> Noah Davis, in response to a statement published in the *Rochester Democrat* that he would use his influence for Fenton, wrote a letter declaring that the friends of Fenton at Albany most certainly knew that he would take no such action and adding, "I have no objection to your showing this note to such of our mutual friends as you think will care to know that I am not altogether wanting in self-respect."<sup>7</sup> It was charged that Fenton, after Davis's defeat in 1867, had promised his support two years later and that on the Governor's advice Davis had sought to disarm criticism of him as a Judge in politics by resigning from the Supreme Court and going to Congress.<sup>8</sup>

On the eve of the caucus, which took place January 16, Morgan's friends and newspaper supporters predicted certain victory. Their opponents were so uncertain that there was talk of switching from Fenton to Roberts, and Roberts went to Albany to look over the situation, but finding Fenton unwilling to retire absolutely he abandoned the field. Exaggerated talk

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<sup>5</sup>New York *Times*, January 14, 1869.

<sup>6</sup>New York *Tribune*, January 16, 1869.

<sup>7</sup>New York *Tribune*, January 12, 1869.

<sup>8</sup>New York *World*, January 6, 1869.

of bribery was afloat, but a much more powerful argument was held over the Assemblymen by Speaker Younglove, who for ten days had been delaying from session to session the announcement of the committee appointments. The supreme strategy of Fenton had been displayed in lulling the Morgan people into the acceptance of Younglove. When the Speaker appeared in caucus as Fenton's advocate, all the waverers who wanted good committees took notice and the result was the nomination of Fenton by a vote of 52 to 40 for Morgan. The Democratic minority gave their support for Senator to Henry C. Murphy. The vote in the Legislature was: Senate—Fenton, 15; Murphy, 10; H. S. Randall (Democrat), 1. Assembly—Fenton, 72; Murphy, 45.

Governor Hoffman in his first message especially criticised the part taken by State commissions in the government of New York City, and demanded that the local authorities should recover their jurisdiction over parks, police, and the liquor traffic. While professing to favor temperance, he took strong ground for uniform excise laws and also for uniform registry laws. He presented an elaborate defense of Tammany against the charges of naturalization and registration frauds. At the beginning of his term he won popular favor by following Fenton's policy and vetoing franchise grabs and bills to give State moneys in aid of railroads. Later he defied reform sentiment by appointing Tweed's Judges, Barnard and Cardozo, to the general term of the Supreme Court, and he signed the bills enabling Gould to maintain his hold on the Erie for five years and fixing

the swollen tax levy under which Tweed proceeded to loot the city. At that time the city's officials made their estimates and sent them to Albany, where the Legislature levied the taxes. In the session of 1869, \$3,000,000 was added to the levy at Albany arbitrarily, and the *Tribune* charged that twenty Republican Assemblymen had been bought to put through the measure, and it demanded that the party repudiate and retire them.<sup>9</sup> On April 14 the Legislature adopted the Fifteenth amendment for negro suffrage by a strict party vote. At the opening of the next session, when the Democrats were in control, Tweed offered a resolution, which was passed by both houses, for the withdrawal of the ratification if the article had not already become part of the Constitution, but the vote once given was held to be final and New York was counted by the Secretary of State for the amendment.

Tweed completely dominated the Democratic State convention, which met at Syracuse on September 22. The only possible center of opposition was Tilden, who contented himself with saving the State chairmanship, leaving Tweed to make up his ticket without opposition.<sup>10</sup> The platform denounced the Fifteenth amendment and demanded the restoration of all the States, the reduction of the standing army, and the

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<sup>9</sup>New York *Tribune*, July 29, 1869.

<sup>10</sup>The ticket was: Secretary of State, Homer A. Nelson, Dutchess; Comptroller, William F. Allen, Oswego; Treasurer, Wheeler H. Bristol, Tioga; Attorney-General, Marshall B. Champlain, Allegany; State Engineer, Van Rensselaer Richmond, Wayne; Canal Commissioner, William W. Wright, Ontario; Prison Inspector, Fordyce Laflin, Ulster; Judges of the Court of Appeals, John A. Lott, Kings, and Robert Earl, Herkimer.

abolition of the Freedman's Bureau. It arraigned Grant as false to his pledges of peace, reëchoed the demand for taxation of bonds in its complaint of the "unjust system" by which the monied class was exempt from the burdens of State and municipal governments, called for uniform registration and excise laws, and urged rejection of the proposed State Constitution.

The Republicans met at Syracuse on September 29, urged the adoption of the Fifteenth amendment, denounced repudiation directly or by any device or subterfuge, expressed sympathy with the Cuban insurrectionists, and favored their recognition as soon as the government thought wise and the annexation of the island when its people wished. The platform indorsed Grant's administration and demanded laws against such frauds as had carried the State against Grant and Griswold. A resolution in favor of prohibition of the liquor traffic by local option in towns was tabled by a vote of 123 to 153. George William Curtis was nominated for Secretary of State, Thomas Hillhouse for Comptroller, John C. Robinson for State Engineer, and Martin I. Townsend for Attorney-General. Filled with disgust at the failure of the Republican organization to repudiate the Tammany Republican Assemblymen, Curtis, Hillhouse, and Robinson declined to run and the State central committee filled the vacancies by naming Franz Sigel for Secretary of State, Horace Greeley for Comptroller, and William B. Taylor of Oneida for State Engineer.<sup>11</sup> Greeley, who took the

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<sup>11</sup>The ticket was: Secretary of State, Franz Sigel, New York; Comptroller, Horace Greeley, New York; Treasurer, Thomas S. Chatfield, Tioga;

position that he would not decline any call to service, let his name be used, although he had been most outspoken in declaring that a party deserved defeat that would not get rid of its own rascals. The chief issue of the campaign was the new Constitution, and the Republican ticket went down to defeat with it, Nelson receiving 330,974 votes to Sigel's 310,733, a majority of 20,241. The Democrats won both branches of the Legislature, the Senate standing 18 Democrats to 14 Republicans, and the Assembly 72 Democrats to 56 Republicans. William Hitchman was again elected Speaker.

Prohibition as a separate political party movement began to take shape in this year. The New York State Temperance Society had its annual meeting in Rochester on January 15, declared in favor of separate action if both parties after a year persisted in favoring the license system, and resolved "that prohibition is a political necessity, and in order to secure such amendment to the civil law an independent political organization is demanded at the present time." On June 1 a State Temperance convention was held in Syracuse, which declared for local option.

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Attorney-General, Martin I. Townsend, Rensselaer; State Engineer, William B. Taylor, Oneida; Canal Commissioner, Stephen T. Hayt, Steuben; Prison Inspector, Daniel D. Conover, New York; Judges of the Court of Appeals, Lewis B. Woodruff, New York, and Charles Mason, Madison.



PETER COOPER

Peter Cooper, philanthropist; born, New York City, February 12, 1791; in 1808 he was apprenticed to a carriage maker and invented a machine for morticing the hubs of carriage wheels which was of much value; later he manufactured machines for shearing cloth; he built iron works and brass foundries and amassed an immense fortune; he backed Cyrus Field in his efforts to make the Atlantic cable a success; in 1858 he founded the Cooper Union for the advancement of arts and sciences which is still fulfilling the mission for which it was established; died in New York City, April 4, 1883.



## CHAPTER VIII

### TWEED IN THE SADDLE

1870

THE election of 1869 placed Tweed in practical control at Albany. He had been widening his influence by successive stages. In 1867, while holding seventeen city offices, he had taken on a State Senatorship and secured a place on the finance committee, where he could look after his own tax levies, and on the committee on internal affairs, where he could overlook general legislation and do favors for Republican Senators that would be returned in kind. The same year he had won the minor State offices and the Assembly and made William Hitchman Speaker. In 1868 he had elected Hoffman, but Hoffman was handicapped by an opposition Legislature, which had to be conciliated. Tweed's connection with the Erie now served him in good stead. As Drew had gone up the line of the road for judicial aid in his fight with Vanderbilt, so Tweed went through the Southern Tier and with the railroad influence captured members of the Legislature, who enabled him, with Hoffman's aid, to carry out his well-matured plan to secure unchecked control of New York City by the famous charter of 1870.

The Young Democracy, an organization of professed reformers, really dominated by such rivals of Tweed as James O'Brien, John Fox, John Morrissey, and Senators Henry W. Genet, Thomas J. Creamer, and Michael Norton,<sup>1</sup> proposed a charter transferring the functions of the State commissions to officers elected by the Board of Aldermen. Tweed's charter centralized the appointing power in the Mayor and abolished all the State commissions. The Street and Aqueduct departments were consolidated into a Department of Public Works, over which Tweed was destined to rule. Many public-spirited citizens opposed this centralization of power in the hands of the Tammany Mayor. Greeley on behalf of the Union League Club appeared as a critic before a Senate committee, and on the same occasion Tilden, with disclaimers of any unkind feeling toward Tweed, expressed his dissent.<sup>2</sup> But Tweed was able to get the support of reputable men, and, with the indorsement of an impressive Citizens' Association, the charter passed with only two negative votes in the Senate and five in the Assembly. To forestall any opposition of the Young Democracy, Tweed secured Republican votes in the Senate. This was alleged to have been accomplished by an arrangement for liberal payments made through Hugh J. Hastings.<sup>3</sup> Five Republican Senators, it was charged, received \$40,000 each for their votes, and six others \$10,000 each, while \$600,000 went to a lobbyist to purchase votes in the Assembly over

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<sup>1</sup>John D. Townsend, *New York in Bondage*, p. 30.

<sup>2</sup>New York Times, April 5, 1870.

<sup>3</sup>John D. Townsend, *New York in Bondage*, p. 31.

which Hitchman ruled in Tweed's interest.<sup>4</sup> With such prevailing tinsel did Tweed lord it that even the *Times* came to see virtue in the charter and when, a few days after its passage, Tweed proposed to supplement the charter and the new election law with the abolition of the Supervisors, the *Times* declared: "Senator Tweed is in a fair way to distinguish himself as a reformer. . . . He has put the people of Manhattan under great obligations."<sup>5</sup> Hoffman signed the charter and the Mayor appointed Tweed Commissioner of Public Works. Richard B. Connolly was made Comptroller and Peter B. Sweeney head of the Park department. Nast was already carrying on his pictorial warfare against the ring in *Harper's Weekly*, but, confident of the helplessness of its critics, it proceeded to steal not less than \$8,000,000 from the city treasury within a year.

In addition to getting his charter through, Tweed secured from the Legislature a new Excise law providing for local Boards of Excise in cities, towns, and incorporated villages, who should fix the license fees locally within the limits of from \$30 to \$150. The Registry law was repealed, except as it applied to New York City. The Canal Contracting law was abolished and the canal tolls on many important commodities were reduced by 50 per cent. A bill was passed for the construction of an arcade railroad under Broadway in New York City, but on account of the extraordinary powers granted over streets and adjoining property the

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<sup>4</sup>Gustavus Myers, *History of Tammany Hall*, p. 227.

<sup>5</sup>New York *Times*, April 8, 1870; see also *Works of Samuel J. Tilden*, I, p. 606.

Governor vetoed it, as he did bills granting \$5,000,000 of State aid to various railroads.

A special election was held on May 17 for the Court of Appeals, as reconstituted by the Judiciary article of the Constitution, which had just been accepted. The Constitution allowed each elector to vote for only four of the Associate-Judges. The Republicans nominated Henry R. Selden for Chief-Judge, and Charles J. Folger, Charles Andrews, Charles Mason, and Robert S. Hale for associates. The Democrats nominated Sanford E. Church for Chief-Judge, and William F. Allen, Martin Grover, Rufus W. Peckham, and Charles A. Rapallo for associates. The Democrats carried the election for Chief-Judge by 87,897 majority, Church receiving 239,685 votes to Selden's 151,788. All the Democratic associates were elected, together with Folger and Andrews.

The Democratic State convention met at Rochester on September 21. Tilden was there as chairman of the State committee, but the gathering was harmoniously dominated by Tweed. It renominated Hoffman by acclamation.<sup>6</sup> The platform largely ignored State questions, but condemned the Federal administration on almost every item of its policy, foreign and domestic. It opposed protection and inquisitorial internal taxes. It declared: "Prohibition, whether by State or local legislation, is in violation of personal rights." It made

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<sup>6</sup>The ticket was: Governor, John T. Hoffman, New York; Lieutenant-Governor, Allen C. Beach, Jefferson; Comptroller, Asher P. Nichols, Erie; Canal Commissioners, John D. Fay, Monroe, and Charles W. Chapman, Saratoga; Prison Inspector, Solomon Scheu, Erie.

a bid for the German vote; while rejoicing in the downfall of the imperial dynasty in France, it expressed the hope that the Germans would "establish on an enduring basis their own unity, under one nationality, maintaining in central Europe the cause of civilization and progress." It expressed sympathy for Ireland and Cuba, condemned the Federal government for withholding support from the Cuban insurgents, declared against the importation of Asiatics, and prayed for the pardon of the Fenians who had been convicted of violating our neutrality laws.

While Tweed had been marshaling the Democrats into a harmonious army, the Republicans had been assiduously fomenting their factional differences. The two Senators were incompatible. Conkling looked on his colleague with antipathy and was jealous of his power, while Fenton, who had no antipathies, was firm for the maintenance of his organization. Conkling at first felt neglected by Grant and held himself proudly aloof, but gradually the President took him more and more into favor and deprived Fenton of patronage. Perhaps Fenton was too assiduous; for Grant, writing to John Russell Young, said<sup>7</sup>: "Fentonism in New York means simply a yielding of the Executive to Mr. Fenton for the punishment of all who do not agree that the Republican party has no higher mission than to place him in control of it." But if that was his real feeling he showed strange inconsistency in the use of patronage to build up the rival machine and in the merciless proscription of every Fenton man. The differences

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<sup>7</sup>Letter of November 15, 1870, Young, *Men and Memories*, p. 165.

between the two Senators came to a head in the summer of 1870, when the President nominated Thomas Murphy to be Collector of the Port of New York. Murphy's record was unsavory, but Grant had been drawn to him by their common interest in horses. The *Tribune* declared that the objection to him was not so much that he was the creature of one faction, as that his political record was "one of treachery, well rewarded."<sup>8</sup> Nevertheless, he had indorsements from some of the most reputable adherents of the Conkling faction, including Judge Folger. The fight on confirmation came up in the Senate on July 11. Fenton hit out squarely against Murphy and his backers, charging that Folger had been elected to the Court of Appeals by Tammany favor and that Chester A. Arthur, who had been one of Morgan's and was now one of Conkling's lieutenants, was taken care of by Tammany as counsel to the New York City Tax commission. Conkling's reply was less a defense of Murphy, who indeed had not been his original choice, than a personal attack on Fenton, whom he sought to humiliate by reference to an incident in his rival's early life. Fenton when a young man had undertaken to carry \$12,000 to Albany and lost it on the way. He was arrested, accused of theft, and was, after inquiry, discharged, justly as most people believed. The scene created by Conkling's taunts was most painful.<sup>9</sup>

Murphy was confirmed by a vote of 48 to 3, and the factional contest was carried to the State convention at

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<sup>8</sup>New York *Tribune*, September 19, 1871.

<sup>9</sup>William M. Stewart, *Reminiscences*, p. 257.

Rochester on September 28. Fenton had expected to make Charles H. VanWyck temporary and himself permanent chairman. Conkling proposed George William Curtis, and by clever work among the rural delegates, representing to place-seekers and place-holders that opposition to Curtis was opposition to the national administration, he turned the convention in favor of Curtis by a vote of 220 to 150, though Fenton had gone to Rochester supremely confident of his own control and according to the New York *World* would have won, despite threats, on a secret ballot.<sup>10</sup> Conkling then held out the olive branch by making Van Wyck permanent chairman. The platform rejoiced in the achievements of the Grant administration, especially its reduction of the debt. It went the Democrats one better in congratulating Germany on its "righteous victories" and expressing the fond "trust that the brave people who have given a republic to France may soon establish free institutions in their own country." It also expressed sympathy with Cuba. While the Democrats had sought to ignore State issues, the Republicans emphasized them, condemning the State administration "because it has put itself into the hands of the gross and irresponsible political corporation which has so long ruled the city of New York" and "is now seeking to make the State itself a wider field for abuses and corruptions." They condemned the Democrats for mismanaging the canals, increasing expenses, and decreasing revenues, so that deficits had taken the place of the usual surplus of \$2,000,000; and for reducing tolls,

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<sup>10</sup>September 8, 1870.

chiefly on products of other States, thus putting the burden of the canal debt on the taxpayers of the State while depriving them of the benefits of cheaper transportation. The platform declared that so long as local communities had the right to license the liquor traffic they should also by a majority vote have the right to prohibit it.

In the nomination of a candidate for Governor, Conkling played a deep game. He encouraged talk of Horace Greeley to prevent consolidation on Marshall O. Roberts, who was Fenton's real choice. Then when it looked as if Greeley might be nominated, he brought Curtis into the field without openly supporting him. DeWitt C. Littlejohn had been mentioned, but would not oppose Greeley, and Stewart L. Woodford stood ready to withdraw for the editor.<sup>11</sup> The Curtis diversion, however, threw the nomination to Woodford,<sup>12</sup> who on the first ballot received 153 votes against 143 for Greeley and 104½ for Curtis, and on the third ballot 258 votes against 105½ for Greeley and 20 for Curtis. Conkling privately spoke for Curtis, failed to vote on the first ballot, and voted for Greeley on the second. Greeley acquitted him of bad faith, as he had not sought or been promised Conkling's support. Conkling's friends tried to throw the blame on Fenton, but with no justification, for Fenton heartily supported

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<sup>11</sup>New York *Tribune*, September 8, 1870.

<sup>12</sup>The ticket was: Governor, Stewart L. Woodford, Kings; Lieutenant-Governor, Sigismund Kaufmann, Kings; Comptroller, Abiah W. Palmer, Dutchess; Canal Commissioners, Absalom Nelson, Erie, and Alexander Barkley, Washington; Prison Inspector, John Parkhurst, Clinton.

Greeley from first to last.<sup>13</sup> The same feeling of admiration for Greeley's powers and distrust of his leadership that defeated him two years before was probably the chief cause of his second humiliation. Curtis, on the other hand, had good ground to complain that he had been deliberately betrayed by Conkling. Littlejohn was named for Lieutenant-Governor but declined, and then Kaufmann was nominated. The Republicans made a vigorous campaign based on the widely believed but not yet demonstrated charges of Tammany corruption, but Hoffman was reëlected by 33,096 plurality, receiving 399,532 against 366,436 for Woodford. James S. Graham, the Labor Reform candidate, received 1,907, and ex-Governor Myron H. Clark, who appeared again as the champion of his old temperance principles, received 1,459 votes. The Democrats elected 16 and the Republicans 15 Congressmen. Sixty-five Democrats and 63 Republicans were chosen to the Assembly.

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<sup>13</sup>New York *Tribune*, September 13, 1870.

## CHAPTER IX

### TWEED'S DOWNFALL

1871

WITH the reëlection of Hoffman, Tweed reached the height of his power. He held both branches of the Legislature and again made Hitchman Speaker. He had reëlected A. Oakey Hall Mayor of New York and through his new charter was in complete and seemingly permanent control of its government. The courts were fixed to do his bidding. He dominated the Democratic organization. Although Tilden and Seymour disliked his rule, they nevertheless supported his ticket and at the final Tammany rally in the campaign of 1870 Seymour had been the guest of honor and Tilden had been one of the vice-presidents. Rioting in prosperity, Tweed had moved from his house in Henry Street to a Fifth Avenue mansion. He entertained lavishly and gave thousands of dollars to the poor. The newspapers, particularly the *New York Times* and *Harper's Weekly*, kept up a continual fire on the ring, but in November, 1870, he secured from a committee of leading citizens, including John Jacob Astor, Marshall O. Roberts, and Moses Taylor, a certificate that after examining the Comptroller's books they found the financial affairs of the city

properly administered. In the winter following he spent \$50,000 to buy coal and food for the poor of his own district, and gave \$1,000 to each Alderman for this purpose. Austere critics might scoff, but they could make little headway while they dealt merely with suspicion, and Tweed's popularity reached the point where it was proposed to erect a statue in his honor and the New York *Sun* seriously advocated the project.<sup>1</sup>

The indiscretion of one of his Assemblymen nearly blocked his legislative program in the midst of the session. James Irving of New York on April 6 made an assault on Assemblyman Smith M. Weed of Clinton, and to avoid expulsion resigned from the Assembly, leaving the Democrats without a working majority. The Republicans made a hard and fast agreement to block Tweed's party measures, which included new registry and election laws and the New York tax levies. But Tweed won over Orange S. Winans, a Republican Assemblyman from Dunkirk, and passed his bills. Winans was openly charged with having sold himself on a promise of \$75,000, only one-tenth of which he received.<sup>2</sup> He was repudiated by his friends and his own family and disappeared completely. The new Registry law opened the door for the non-registered man to appear at the polls on election day and offer an excuse for the absence of his name from the lists, which might be accepted by a majority of the polling officials. As Tammany had the majority of each election board, the opportunities for fraud were plain and were not

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<sup>1</sup>New York *Sun*, March 14, 15, 1871.

<sup>2</sup>Gustavus Myers, *History of Tammany Hall*, p. 231.

lessened by the provision that the Mayor should appoint one minority poll-clerk for each precinct.

A special Tax commission, consisting of David A. Wells, George W. Cuyler, and Edwin Dodge, which had been appointed in 1870 to study the tax system of the State, made a report to this Legislature which, though not adopted, has served as a basis for all the studies of taxation that have since been made by legislative committees and commissions. The commission reported for continuing taxation of real estate and monied corporations under then existing law, and for abolishing all other taxes and substituting for them a tax on the owner and occupier of any building for any purpose on an assessment of three times the rental value of the premises, not including the value of any land except that actually covered by the building or essential for access to it. The commission showed that the general tax on personal property was unscientific, unjust, and practically unenforceable, and held that the general wealth of a community could be fairly measured by the tangible improvements put upon real estate. The report was received with a good deal of favor from the press, but no Legislature, even to this day, has dared to undertake a thorough and scientific revision of the tax laws.

While Tweed proceeded unconscious of the storm soon to overwhelm him, Conkling was planning to gain complete mastery of the Republican party. He followed up his victory over Fenton in the struggles for the Collectorship and for control of the State convention by a movement to break the Fenton organization in

New York City. By the liberal use of Federal patronage he secured a majority of the State committee, which, under the leadership of Alonzo B. Cornell as chairman, on December 20, 1870, appointed a sub-committee to consider the factional differences in the metropolis. The Fenton organization, over which Horace Greeley had been made chairman, was charged with being made up of "Tammany Republicans." Some of its leaders held offices in bipartisan city boards, and as fast as Murphy removed the Fenton followers from the custom house they were taken care of in city departments. This office-holding by Republicans under Tammany had been long tolerated and was indeed the offspring of the Republican system of ruling the city from Albany, but Conkling now made it the pretext for the extermination of his enemies, and Cornell informed Greeley that the State committee by a vote of 20 to 8 had decided on an entire reorganization of the party in New York City. At a meeting on February 9, 1871, the sub-committee reported in favor of deputing Horace Greeley and William Orton to select members of the new organization, who might be supplemented by the State committee's own selections. A bitter newspaper controversy raged throughout the spring, Greeley protesting that, as indeed Cornell admitted, there was no precedent for such action by the State committee and that the State convention of 1870 had refused to give the State committee such powers as it pretended to exercise over the city general committee. He refused to serve as the executioner of his own organization, and the work of making a new body to serve Conkling's pur-

poses was entrusted to William Orton and Jackson S. Schultz, president of the Union League Club.

Two delegations appeared at the Republican State convention in Syracuse on September 27, and the struggle was renewed over the temporary chairmanship. Fenton's candidate was Chauncey M. Depew, while the Conkling forces proposed Andrew D. White, president of Cornell University, a former State Senator who had recently been of great service to President Grant in connection with the San Domingo annexation policy. Cornell, who called the convention to order, declared Depew ineligible because he was not a member of the convention, and G. Hilton Scribner of Yonkers, the head of the Young Men's Association, which sought to promote harmony between the factions, was substituted. A motion to make Scribner temporary and White permanent chairman was declared out of order by Cornell, who refused to put to the convention the Fenton appeal from the ruling. After a long wrangle, at the suggestion of Waldo Hutchins it was agreed that all delegates whose seats were contested should be passed. Under these conditions the Fenton men expected to win, but they found that they had been undermined in several rural counties and lacked 21 expected votes. The result was White's election by 188 to 159. White closed what was characterized as a "most apostolic exhortation to mutual forbearance" by naming a committee on credentials picked by the State committee to seal the fate of the Fenton faction.<sup>3</sup> He afterward said: "I received the list of convention

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<sup>3</sup>New York Tribune, September 29, 1871.

committees from the State committee with express assurance that the list represented fairly the two wings of the party. I had no reason then, and have no reason now, to believe that the State committee abused my confidence."<sup>4</sup> That at the time he acted in good faith probably nobody questions, but it is difficult to understand his continued belief that his confidence had not been abused in view of the fact that his committee on credentials stood 12 to 2 in favor of Conkling, although the convention on the first test vote, before the prospects of certain annihilation had detached the weak-kneed from the losing side, had been about equally divided between the two factions.

The committee majority proceeded to recognize as the only regular organization in New York the body created by the State committee, but for the present convention it offered the Greeley delegates seats with half a vote. The minority favored the Greeley organization as the regular one. A considerable body of Conkling's followers were loath to push their fight to extremes, and finally a compromise was proposed by Hamilton Ward of Allegany, afterward Attorney-General of the State and a Justice of the Supreme Court, which admitted both factions to seats in the convention with a divided vote and directed the State committee to harmonize the factions and perfect an organization. The Fenton people accepted this compromise and the further suggestion that members of the organization be disqualified from holding office under Tammany. Harmony seemed about to reign, when from the back of the hall arose

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<sup>4</sup>White, *Autobiography*, I, p. 166.

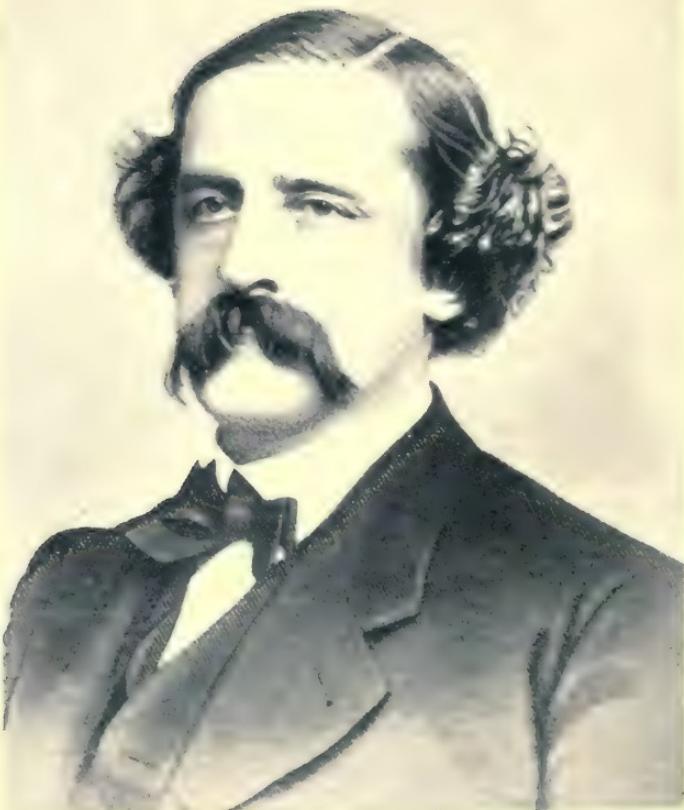
Roscoe Conkling, who began his famous speech which opened: "Mr. President, not yet the question." He professed a desire for harmony, but urged the necessity of a single organization and the impossibility of the committee in the month before election doing all over again the work of Schultz and Orton.<sup>5</sup> Ward's motion was lost, 154 to 194, and the Greeley delegates withdrew. Many of Conkling's friends deplored this extreme measure, and also his personal and spectacular part in carrying it. His majority was assured, and a whispered word would have voted down Ward's compromise. But Conkling wished to make certain his control of the next convention, and did not propose to have any contesting delegates to interfere with a harmonious indorsement of Grant. Apparently he also wished to demonstrate beyond question his own personal domination. Greeley, pointing out the inconsistency of declaring his followers so corrupt and so under Tammany control that they must be ruthlessly cut off, and at the same time inviting them to share in making the platform and the ticket, thus characterized Conkling's interference: "The custom house delegates had no word to utter, but Mr. Conkling had. The convention was ready to ratify the amendment, but Mr. Conkling was not. Peace and harmony with safety were at hand, but Mr. Conkling preferred to cram an insult down the throats of the men he was exhorting to concession."<sup>6</sup>

Having shown his power, Conkling allowed a free hand with the nominations to the convention, which

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<sup>5</sup>New York *Times*, September 28, 1871.

<sup>6</sup>New York *Tribune*, September 29, 1871.



JOHN T. HOFFMAN

John T. Hoffman, 26th governor (1869-1872); born, Sing Sing, N. Y., January 10, 1828; lawyer; recorder of the City of New York, 1869; mayor of the City of New York, 1865-1868; elected governor in 1868 and served until 1872; died at Wiesbaden, Germany, March 24, 1888.



sought harmony by naming G. Hilton Scribner for Secretary of State and Thomas Raines for Treasurer. General Francis C. Barlow was again drafted for the service of the party and nominated for Attorney-General.<sup>7</sup> The platform commended the administration for the advancement of reconstruction in the south and for the arrangement of the Alabama controversy with Great Britain. It pointed with pride to the payment of debts, reduction of taxes, and progress toward civil service reform. It held the Democratic party responsible for the long suspected corruption of New York City, proof of which was just beginning to be revealed. It charged that the Democrats in the name of reform had given the ring irresponsible power and that it had "at all times supported and acted with" the corruptionists. The party repeated its declarations in favor of local option and lower canal tolls.

With the Republicans rent by factions, Tweed had reason to look with confidence to the fall elections. Manton Marble, who had opposed his charter the year before, now declared in the *World*: "There is not another municipal government in the world which combines so much character, capacity, experience, and energy as are to be found in the city government of New York under the new charter."<sup>8</sup> Suddenly, however, Tweed, who cared little for newspaper criticism, since

<sup>7</sup>The ticket was: Secretary of State, G. Hilton Scribner, Westchester; Comptroller, Nelson K. Hopkins, Erie; Treasurer, Thomas Raines, Monroe; Attorney-General, Francis C. Barlow, New York; State Engineer, William B. Taylor, Oneida; Canal Commissioner, Alexander Barkley, Washington; Prison Inspector, Thomas Kirkpatrick, Cayuga.

<sup>8</sup>New York *World*, June 13, 1871.

most of his constituents did not read, but had winced under Nast's cartoons and sought unavailingly to buy him,<sup>9</sup> found a newspaper enemy who dealt with more than generalizations and suspicions. William Copeland was a clerk in the Comptroller's office and a follower of ex-Sheriff James O'Brien. O'Brien had quarreled with Tweed over the division of the spoils. After attempting in vain to extort money from the boss on the strength of Copeland's transcript from the Comptroller's books showing corrupt payments, O'Brien placed the transcripts in the hands of George Jones, who had succeeded his partner, Raymond, in the direction of the *New York Times*. Jones also obtained from Matthew J. O'Rourke, a county bookkeeper, transcripts showing frauds in armory accounts. As soon as his possession of these documents became known, the ring made strenuous efforts to purchase silence, which culminated in an offer of \$5,000,000 to Jones.<sup>10</sup> In July, 1871, the *Times* began the publication of the accounts, giving definite proof of the frauds and showing how contractors' bills were padded for amounts vastly in excess of what the contractors actually drew. Eight million dollars had been stolen through the unfinished and shabby court house, and altogether the frauds, as they afterward were revealed, were variously estimated at from forty-five to seventy-five millions, not counting bonds improperly issued, waste in the grant of public franchises, and extortion from private individuals. Only \$876,000 of this vast sum was ever recovered.

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<sup>9</sup>Albert Bigelow Paine, *Life of Nast*, p. 182.

<sup>10</sup>*Harper's Weekly*, February 22, 1890.

Indignation over the *Times* exposures led to a mass-meeting in Cooper Union on September 4, 1871, at which the Committee of Seventy was formed to make investigations and conduct prosecutions. The ring in panic first resorted to burning the accounts for court house work stolen from the Comptroller's office, then determined to save itself by sacrificing Connolly, the Comptroller. Connolly at this point turned to Samuel J. Tilden. Tilden had long been known as a foe of the ring, but in the absence of concrete proofs against it he had gone on working with Tweed as a fellow-Democrat. He had not even attended the Cooper Union meeting, but he seized the opportunity offered by Connolly's appeal, and on his advice Connolly appointed Andrew H. Green Deputy-Comptroller and left to him the full conduct of the office. Mayor Hall at first refused to recognize this arrangement. Finally, in the face of an opinion from Charles O'Conor, he yielded, and when Connolly resigned he appointed Green Comptroller. In response to the appeal of the Committee of Seventy to the Governor, the Attorney-General designated O'Conor to act for him in prosecutions.

Tilden was now fully embarked on the fight. He investigated the Broadway Bank accounts, and there secured proof of the division among the ring members of the moneys that the *Times*'s exposures had shown to have been stolen. This, with the preservation of the Comptroller's accounts, now placed in Green's custody, was a necessary link in any prosecution of the thieves. He started a movement for a reform delegation from

New York to the Democratic State convention and issued letters to Democrats all over the State, telling them of the corruption in the Democratic party and urging that they "take a knife and cut it out by the roots." But Tweed was not disposed to surrender so easily. He was willing to let Tilden dominate the State convention and nominate the State ticket, if he would concede the regularity of Tammany and not interfere with its legislative ticket. Tilden would not compromise, and when he called the State convention together at Rochester on October 4 he faced a hostile assemblage, which Tweed from the seclusion of a nearby hotel was able to sway to his wishes.

Tammany's first tactical move was to announce that in the interest of harmony the organization would waive its right to vote in the convention. On this, William C. DeWitt of Brooklyn, who was the ready spokesman of Tweed in the convention, pushed a resolution that the city of New York be omitted from the roll-call since it presented no regular delegation. This was a cleverly planned blow at the reformers, as it shut them out from recognition and left the door open for Tammany to resume its place at will in that or any future convention. By an overwhelming vote of 90 to 4, this course was adopted. DeWitt appeared again as the Tammany champion when Horatio Seymour, observing Francis Kernan outside the rail among contesting delegates from Oneida, moved his admission. DeWitt countered with a motion to admit General McQuade, the opposing contestant, as "the friend of that great Democrat, John T. Hoffman," and the con-

vention rejoiced at the chance to insult the reformers. Seymour had expected to preside over the convention, but, filled with chagrin at such treatment by assembled Democrats among whom he had always before been honored, he suddenly gave out that he was ill and went back to Utica. Four days later he wrote to Tilden expressing regret for the weakness of his excuse and the wish that he had boldly said that he would not preside. In deep depression he complained that the young men of the party were debauched, that even Cassidy of the *Argus*, who meant well, had been put under obligations by Tweed, who found him poor largely because the Democracy long neglected him, while his rival Albany editor, Weed, had been enriched by Whig and Republican patronage. "A new party has been made up," he said, "and we are outside of it. For this I am glad." So little did he realize the emptiness of Tweed's victory.<sup>11</sup>

The next day the convention gave bare courtesy to the reformers by listening to speeches by Oswald Ottendorfer and William E. Curtis, and was brought face to face with the cost of what it was doing by Tilden, who, finally stung into boldness, declared, "I am free to avow before this convention that I shall not vote for any one of Mr. Tweed's members of the Assembly. And if that is to be considered the regular ticket, I will resign my place as chairman of the State central committee and help my people to stem this tide of corruption. When I come to do my duty as an elector in the city of New

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<sup>11</sup>Bigelow, *Letters and Memorials of Samuel J. Tilden*, I, p. 283.

York, I shall cast my vote for honest men."<sup>12</sup> On his motion the convention then proceeded to make nominations. It renominated the old Tweed ticket, except the candidate for Secretary of State, for which office Diedrich Willers, the incumbent deputy, was named. The only contest was over the Attorney-Generalship. Charles O'Conor was proposed, but Tweed's friends rallied to Attorney-General Champlain and renominated him by a vote of 62 to 42.<sup>13</sup> Tweed allowed the convention to view with indignation the corruption revealed in New York City and lay the blame for it on the irresponsible government instituted by the Republicans. The platform declared for a new election of city officers and a more complete control of the city government by the Mayor, subject to removal by the Governor as in the case of a Sheriff. It favored a constitutional restriction of the power to incur municipal debts, and attacked the Republican convention at Syracuse as being dominated by the corrupt power that had committed profligacies in the custom house. It commended Governor Hoffman, declared for tariff for revenue only, and, while recognizing the enfranchisement of the freedman, it condemned the Federal administration for prolonging dissensions.

Tweed had overmatched Tilden at Rochester, because he had still been able to profess personal irre-

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<sup>12</sup>New York Tribune, October 6, 1871.

<sup>13</sup>The ticket was: Secretary of State, Diedrich Willers, Seneca; Comptroller, Asher P. Nichols, Erie; Treasurer, Wheeler H. Bristol, Tioga; Attorney-General, Marshall B. Champlain, Allegany; State Engineer, Van Rensselaer Richmond, Wayne; Canal Commissioner, George W. Chapman, Saratoga; Prison Inspector, David B. McNeil, Cayuga.

sponsibility for the corruption that it was clear to all existed in the city government. But on October 26 Til- den was ready with the results of his investigation of the Broadway Bank, which directly traced stolen money into Tweed's pocket, and upon his affidavit Tweed was arrested and released on bail of \$1,000,000 furnished by Jay Gould and others. Connolly and Sweeney fled to Europe. The latter afterward compromised the claims against him for \$400,000, which Attorney-General Fair- child accepted in preference to proceeding with the proffered testimony of Tweed against Sweeney and others.<sup>14</sup> Connolly died abroad. Mayor Hall was brought to trial, but the jury disagreed and he served out his term as Mayor. Tweed after one mistrial was sentenced to Blackwell's Island for twelve years, but after he had served one year the sentence was set aside by the Court of Appeals. In default of \$3,000,000 bail he was sent to jail, whence he escaped in December, 1875. He was rearrested in Vigo, Spain, where he had gone by way of Florida and Cuba, brought back to Ludlow Street jail on November 23, 1876, and remained there until his death on April 12, 1878. Impeachment proceedings had been started against his Judges, Barnard and Cardozo of the Supreme, and McCunn of the Superior Court. Cardozo, the cool-headed, masterful plotter of corruption, resigned. The swashbuckling, high-living Barnard was removed and lived for seven years after this disgrace. McCunn, a good-natured Irishman, a victim of weak greed rather than delib-

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<sup>14</sup>John D. Townsend, *New York in Bondage*, ch. xxii.

erate villainy, was also removed. He went home from Albany trying to carry a brave face, took to his bed, and died three days later.<sup>15</sup>

The arrest of Tweed gave the deathblow to his political machine and left Tilden no need to worry about regularity. He had planned to run for the Assembly with O'Conor and other friends to fight Tweed's legislation, but he was the only one of the number who stood and was elected. The Republicans, in spite of their factional difficulties, had no trouble in carrying the State, electing Scribner by 18,907 plurality. He received 387,119 votes against 368,212 for Willers. Charles C. Leigh, the Anti-Dramshop candidate, received 1,820 votes. The Senate elected stood 24 Republicans and 8 Democrats, and the Assembly 97 Republicans and 31 Democrats. Tilden had kept his word to oppose Tweed's members of the Legislature, and four out of his five Senators and fourteen of his twenty-one Assemblymen were defeated. Tweed himself obtained a reëlection to the Senate, but never took his seat.

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<sup>15</sup>For details of the Tweed frauds consult Myers, *History of Tammany*; and Townsend, *New York in Bondage*.

## CHAPTER X

### THE LIBERAL REPUBLICAN MOVEMENT

1872

THE Legislature of 1872 met facing great expectations of a sweeping program of reform, which were largely disappointed. The Republican majority worked at cross purposes with the Governor and showed no disposition to punish its own rascals. Hoffman dealt with the Tweed frauds in the fashion of the Democratic platform, recommending the concentration of power in the Mayor's hands. He also suggested minority representation in the city's legislative body and the requirement of frequent statements of expenditures, receipts, and contracts. He proposed legislation that would permit taxpayers to bring action in court against municipal officers for abuses of trust, thus anticipating the so-called Tilden law. The Governor likewise criticised the methods of the last two Republican Legislatures that had elected Senators, and urged the direct election of United States Senators, forty years in advance of the acceptance of that policy.

The Committee of Seventy appeared before the Legislature with a charter that made the king-pin of the city government a Board of Aldermen to consist of

forty-five members, nine from each Senate district, to be elected by the cumulative method of voting. Each elector instead of casting one vote for each of nine candidates could cast nine votes for one candidate. Thus a minority by concentrating its vote could be sure of representation in proportion to its numbers. This board was to appoint most of the heads of executive departments. The bill passed both houses, but was vetoed by the Governor, who treated it as a confession that republican form of government was a failure and said: "No self-acting machinery can be devised which will suffice to do the work which the people themselves are bound to do." He urged that power of appointment be concentrated in the Mayor, and that he have control of the budget so far that he might decrease but not increase any proposed appropriation. He also objected to and questioned the constitutionality of cumulative voting, notwithstanding his suggestion of the need of minority representation in the Common Council previously put forth in his annual message. He likewise vetoed several other attempts to amend the charter and pay claims against the city; and when a bill intended to be along the lines of his recommendation passed, making city, county, and town officials trustees of public property and every taxpayer a *cestui que trust* with power to sue for breach of trust, he vetoed the measure on the advice of the Judges of the Court of Appeals, who held that it might divest the city of title to its property and vest it in the officials, and that it also might make any suit against delinquent officials other than that of a taxpayer impossible. The Gilbert

Elevated Road bill for New York City was passed at this session, and the Governor, on his own recommendation, was directed to appoint a commission of thirty-two persons, four from each judicial district, to propose constitutional amendments to the next Legislature. In this way some of the problems presented by the failure of the people to ratify the Constitution of 1867 were met. At the fall election the people voted to create a debt of \$6,000,000 to meet canal deficiencies, and ratified an amendment to the Constitution creating for two years Commissioners of Appeals to dispose of the congested calendar of the highest court.

The Fenton faction, in a last fight to maintain itself, rallied around Thomas G. Alvord for Speaker at the opening of the session. But Conkling and the custom house elected Henry Smith of Albany. Only three members of the State committee, Merritt, Brown, and Rockwell, stood for Alvord against the dominant power.<sup>1</sup> All those who were not blind followers of the administration and its representatives in New York were treated—to quote the Republican State platform of the next autumn—as “discarded elements of the Republican party.” Greeley and Fenton were left without a party and ready for war on Grant, but larger issues had elsewhere started the movement that was first to annex and then to be annexed by the New Yorkers.

Dissatisfaction with the Grant administration among Republicans in all parts of the country had been grow-

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<sup>1</sup>New York *Times*, January 1, 1872.

ing for more than two years. The radical policy, which had turned over the southern States to negro and carpetbag rule, had resulted in scandalous misgovernment and piled up huge debts. The delay in the granting of complete amnesty kept many of the natural white leaders of the south out of politics, and was held responsible in many quarters for the administrative abuses in the southern States and the counter atrocities inflicted by the Ku Klux Klan. The north was beginning to yearn for substantial fruits of Grant's declaration, "Let us have peace," and saw none. The dissatisfaction was brought to a head by the Ku Klux act of April 20, 1871. This was no more extreme than some of the radical legislation that had been passed to thwart Johnson, but it was now attacked by Senator Schurz and pronounced unconstitutional by Senator Trumbull. The administration's proscription of those who opposed it, notably the removal of Charles Sumner from the chairmanship of the Senate committee on foreign relations, alienated moderate men. The gold speculation scandal, which had involved the President's brother-in-law, and the incautious innocence with which Grant allowed himself to be publicly associated with speculators like James Fisk, Jr., and to make unworthy appointments like that of Thomas Murphy, had shaken the confidence of the thoughtful in his judgment, though not in his integrity. The extent to which the abuses of patronage to control political action were carried started a demand for civil service reform, which later under the leadership of George William

Curtis and Dorman B. Eaton was to bear abundant fruit.

The revolt first crystalized as a political movement in Missouri, where in 1870 Carl Schurz with Democratic associates had carried the State on a platform of universal amnesty. The Liberal Republicans, as they were called in that State, led by Schurz, Colonel William M. Grosvenor, Joseph Pulitzer, and B. Gratz Brown, held a mass-convention in Jefferson City on January 24, 1872, and issued to Republicans who wanted reform a call for a national mass-convention at Cincinnati on May 1. The movement received the support of many influential newspapers. Samuel Bowles of the Springfield *Republican* led in Massachusetts. Horace White of the Chicago *Tribune*, Henry Watterson of the Louisville *Courier-Journal*, Murat Halstead of the Cincinnati *Commercial*, and E. L. Godkin of the *Nation* were conspicuous in their encouragement. Jacob D. Cox, who had been in Grant's cabinet, Stanley Matthews, and George Hoadly led the Liberals in Ohio, while A. K. McClure dominated those of Pennsylvania. Greeley was slow to commit himself, but in March his refusal as a member of the Republican national committee to sign the formal call for the Republican national convention was accepted as reading him out of the party. Meanwhile other Republicans were active in organizing for Cincinnati. Fenton, a Republican Senator, was, of course, among them. Others were Henry R. Selden, who had been the Republican candidate for Chief-Judge of the Court of Appeals; William Dorsheimer;

Thomas Raines, the Republican State Treasurer; D. D. S. Brown, State committeeman; Frederick A. Conkling, a brother of the Senator; Ben Field; Edwin A. Merritt, another State committeeman; and John Cochrane and Waldo Hutchins, who had been driven out of the organization at the Syracuse convention of 1871. In their efforts to win adherents, they met at every hand the question as to Greeley's position; for it was clear that the movement could not hope for success without the great influence of the *Tribune* over the Republican masses. Finally Greeley signed, and on March 30 the *Tribune* published the acceptance by the Liberal Republicans of New York of the Missouri invitation.

Most of the newspaper sponsors of the Liberal movement favored the nomination of Charles Francis Adams. Justice David Davis of the Supreme Court and Lyman Trumbull, both of Illinois, had many friends, and Chief-Judge Salmon P. Chase was talked of, as usual. From the beginning Greeley had been attacked by the administration organs and cartooned by Nast as a seeker of the nomination. He declared that he was not an aspirant, but he would not decline. When the Liberals gathered at Cincinnati, his old New York organization, with Cochrane and Hutchins, was there to promote his interests. The New York delegation was by no means unanimous for him. An anti-protectionist contingent, which included Theodore Bacon and Henry D. Lloyd, opposed him on economic grounds, while Fenton, Selden, Brown, and others, though friendly to Greeley, thought David Davis would

be stronger. Fenton planned with McClure, Leonard Swett of Illinois, and John D. Defrees of Indiana to combine those great States for Davis and throw the Vice-Presidency to Greeley, who had intimated to McClure that the convention might be willing to take him "boots foremost" if not "head foremost." But the journalistic "Quadrilateral," Bowles, White, Halstead and Watterson, made a simultaneous newspaper attack upon Davis to clear the way for Adams or Trumbull; and Francis P. Blair, Jr., who represented B. Gratz Brown, stiffened the Greeley following by suggestions of a combination of New York and Missouri. Seeing his plan was hopeless, Fenton left Cincinnati, and McClure blocked a movement for Davis and Andrew G. Curtin of Pennsylvania by committing his State for the first ballot to Curtin for President.

The political acumen of John Cochrane solidified New York for Greeley. On his motion at a meeting of the mass delegates from New York, a committee, of which Waldo Hutchins was chairman, was named to pick out the 68 delegates who were to sit in the national convention. The delegates present from each Congress district were to report two names to this committee. The committee assumed the right to substitute friends of Greeley for others reported to them in several cases, and then Cochrane forced the adoption of the unit rule by a delegation so made up and stifled the voice of one-third of their number. Bacon, Lloyd, and others of the minority protested before the convention, but without avail, though Selden, who had been put on the delegation, denounced Cochrane's

tactics as an outrage and Carl Schurz declared that they indicated that "the reform movement, so far as it concerned New York, was virtually in the hands of a set of political tricksters, who came here not for reform but for plunder."<sup>2</sup>

The tariff issue was an obstacle to Greeley. The Missouri movement had been committed to tariff for revenue only, and many of the eastern reformers, including David A. Wells and William Cullen Bryant, were anti-protectionists. Greeley let it be known that he could not support a free trade movement, or any double-faced dealing with the question. At an informal meeting of the New York delegation on April 29, Whitelaw Reid, who represented Greeley, proposed a resolution that said: "Finding ourselves not fully agreed with respect to free trade as opposed to protection, we respectfully recommend the grave issues involved in that controversy to a careful and unbiased adjudication of the people, urging them to choose members of Congress who will truly embody and will faithfully reflect their will on the subject."<sup>3</sup> Even if Greeley were not to be the candidate, his support was felt to be essential and a tariff plank was finally agreed to along the lines of this suggestion, which declared: "We remit the discussion of the subject to the people in their Congressional districts and to the decision of

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<sup>2</sup>New York *Evening Post*, May 2, 1872; McClure, *Our Presidents and How We Make Them*, p. 230; Watterson, *The Humor and Tragedy of the Greeley Campaign*, *Century*, November, 1912; statement of D. D. S. Brown to the writer.

<sup>3</sup>New York *Tribune*, April 30, 1872.



#### WILLIAM DORSHEIMER

William Dorsheimer; born in Lyons, Wayne county, N. Y., February 5, 1832; attended Phillips academy, Andover, Mass. and Harvard college; studied law and was admitted to the bar; practiced in New York City; appointed major in the union army in August, 1861; appointed United States attorney to the northern district of New York, March 28, 1867; was lieutenant governor under Samuel J. Tilden in 1875-1876 and under Lucius Robinson in 1877-1878; was elected as a democrat to the forty-eighth congress and served March 4, 1883 to March 3, 1885; died at Savannah, Ga., March 26, 1888.





#### WARD HUNT

Ward Hunt, jurist; born at Utica, N. Y., June 14, 1810; graduated Union college, 1826; admitted to the bar; member state assembly, 1839; mayor of Utica, 1844; opposed annexation of Texas and extension of slavery; supported Van Buren in 1848; joined the republican party in 1856; judge of the court of appeals, 1865; chief judge court of appeals, 1868; commissioner of appeals, 1870; appointed to the United States supreme court by President Grant in 1872; retired on account of ill health, 1883; died at Washington, D. C., March 24, 1886.



Congress thereon, wholly free from Executive interference or dictation." On the first ballot in the convention Adams had 205 votes, Greeley 147, Trumbull 110, Davis 92½, B. Gratz Brown 95, Curtin 62, Chase 2½. For a choice 358 votes were necessary. At this point B. Gratz Brown withdrew, evidently under an arrangement with Greeley's friends, in favor of the New Yorker, bringing his vote to 245 on the second ballot as against 243 for Adams. Adams regained and held the lead until after the fourth ballot, when most of the Trumbull and Davis votes went over to Greeley, who was nominated on the sixth ballot, receiving 482 votes after changes had been made; Adams, who stood next, had 187. The Greeley men then nominated B. Gratz Brown for Vice-President on the second ballot.

The nomination of Greeley was a great disappointment to many of the Liberal leaders, and more than disappointing to the Democrats, who found it difficult to support their ferocious critic of half a century. New York Democrats met in Rochester on May 15 to choose delegates to the national convention. Thomas Kinsella presided. They indorsed the Cincinnati platform but passed the question of candidates on to the Baltimore convention, which met on July 9. Tilden, Seymour, Kernan, and Church did not attend the Baltimore convention, but John T. Hoffman was there from New York with Delos DeWolf, Henry C. Murphy, and Jarvis Lord, his fellow delegates-at-large, together with August Belmont, chairman of the national committee, John Kelly, the new chief of Tammany, and Samuel S. Cox, long a Democratic Congressman from

Ohio and subsequently from New York, who had been violently assailed by Greeley but who now joined with the others in inducing the convention to accept the Liberal candidate. The question whether the Democrats should nominate Greeley as their own at the risk of repelling Republicans, or indorse him at the risk of being unable to deliver the Democrats to the support of another party, was finally settled, contrary to Greeley's judgment,<sup>4</sup> in favor of nomination, and the Cincinnati ticket was named by a vote of 686 to 46 and the Cincinnati platform adopted without change.

The Republicans held their State convention at Elmira on May 15 with Henry R. Pierson in the chair, elected Gerrit Smith, William Orton, James N. Matthews, William F. Butler, Horace B. Claflin, and Stephen B. Moffitt delegates-at-large to Philadelphia, indorsed Grant, made a plea for harmony, and declared for revenue reform. At Philadelphia on June 6 the Republican national convention unanimously renominated Grant and named Henry Wilson of Massachusetts for Vice-President by a vote of  $364\frac{1}{2}$  to  $321\frac{1}{2}$  for Vice-President Colfax, who had sacrificed whatever chance he had for a renomination by an announcement that he was not a candidate.

The Republicans again met in State convention at Utica on August 21 and indorsed Grant and Wilson and the Philadelphia platform. In their discussion of State issues they pointed to the increase of the State debt by \$6,000,000 as an index of Democratic extravagance,

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<sup>4</sup>New York *Tribune*, December 23, 1872.

made a bid for Democrats who spurned "unprincipled coalition" with the "discarded elements of the Republican party," and favored the enlargement of the canal to be accomplished without additional burden on the taxpayers through the aid of the national government and through the refunding of canal bonds for long time and at low interest. Conkling was complete master of the convention, as his forceful opponents had left the party. Judge William H. Robertson of Westchester appeared as the leading candidate for Governor, after Edwin D. Morgan had refused to enter the race and after Bradford R. Wood had shown a letter from Dix saying that he could not allow his name to be presented. Dix was ready to do anything in his power to beat Greeley, but felt that his acceptance of a nomination was not necessary to that end. Robertson had been a State Senator and Representative in Congress, and his ability was everywhere recognized. The *New York Times*, however, now the leading administration organ, opposed him because he had not been sufficiently strenuous in pushing its measures against Tammany. Nevertheless he would probably have been nominated but for Thurlow Weed. Weed was visiting Seward in Auburn when elected a delegate. Though in feeble health, he went to Utica, where he found all prospects favoring Robertson, who, he feared, would be defeated. He did not attend the sessions, but under his direction his substitute, Professor George W. Clark, after Robertson, Martin I. Townsend, John C. Robinson, and Freeman Clarke had been presented, proposed the

name of Dix.<sup>5</sup> The suggestion was received with enthusiasm. E. Delafield Smith seconded the nomination and then Henry Clews<sup>6</sup> indorsed it on behalf of the New York business men. Robertson and the other candidates were withdrawn and Dix was nominated by acclamation. The convention nominated General John C. Robinson for Lieutenant-Governor and Lyman Tremain for Congressman-at-large. It also placed Frederick Douglass, the great colored leader, at the head of its Electoral ticket.<sup>7</sup>

The nomination of Dix by a Conkling convention of narrow partisanship was astonishing. He was politically one of the most inconstant of men. A Barnburner of 1848 and a candidate for Governor on the Van Buren ticket, he supported Pierce in 1852. A member of Buchanan's cabinet, at one moment inclined to allow peaceful secession, at another penning the historic dispatch, "If any man attempts to haul down the American flag, shoot him on the spot," a Union general, president of Johnson's Philadelphia convention of 1866, a candidate for the Republican nomina-

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<sup>5</sup>Barnes, *Life of Thurlow Weed*, II, p. 485; *New York Tribune* and *Times* reports of the convention, August 22, 1872.

<sup>6</sup>Writing long after, when details had naturally slipped from the memory, Mr. Clews (*Fifty Years in Wall Street*, pp. 300-309) spoke of himself as springing Dix's name on the convention and attributed Robertson's subsequent break with Conkling to suspicion growing out of the fact that Clews was a guest at Utica in Conkling's house. His independent activity for Dix is beyond question, but the record is clear that the stampede was started by Clark and the foundation for it laid by Weed.

<sup>7</sup>The ticket was: Governor, John A. Dix, New York; Lieutenant-Governor, John C. Robinson, Broome; Canal Commissioner, Reuben W. Stroud, Onondaga; Prison Inspector, Ezra Graves, Herkimer; Congressman-at-large, Lyman Tremain, Albany.

tion for Governor in 1862 and 1864 and for the Conservative-Democratic nomination in 1866, he had been inclined to join in the Liberal movement, but, like Bryant, Weed, Ottendorfer, and Godkin, he had been alienated by the nomination of Greeley. In the Governor's chair his independence and moderation gave Conkling little reason for satisfaction with the choice, but in the campaign his military reputation and his hold on conservative men of all parties more than made up for his political inconstancy.

The Democrats and Liberal Republicans held simultaneous conventions at Syracuse on September 4. John Cochrane, chairman of the State committee, called the Liberals to order, and ex-Speaker Truman G. Younglove was temporary and Chauncey M. Depew permanent chairman. The important business was to reach an agreement with the Democrats upon a union ticket, and Reuben E. Fenton, Waldo Hutchins, D. D. S. Brown, Archibald M. Bliss, Frank Hiscock, Edwin A. Merritt, Lyman Truman, and Hobart Krum were appointed a committee on conference. Samuel J. Tilden, Joseph Warren, John Kelly, Delos DeWolf, and William Cassidy were the conferees for the Democrats. The Liberals conceded the Governor to the Democrats, who agreed that the Liberals should have the Lieutenant-Governor and the Prison Inspector. The Liberals took 15 of the 34 Electors. In the Liberal convention, Hendeel of Livingston tried to defeat Tilden's plan to name Francis Kernan for Governor by a resolution asking the Democrats to nominate Chief-Judge Sanford E. Church, and Roswell P. Flower offered a

substitute suggesting Allen C. Beach; but the leaders refused to permit this and left Tilden unhampered to master his own convention and defeat what was left of the old Tweed and canal ring combination, which in spite of Tweed's fall still had its adherents scattered through the State with memories of past contests with Tilden. Lester B. Faulkner was made temporary and George M. Beebe permanent chairman. Hoffman's renomination was obviously impossible. Although in the days of Tweed's power he had resisted some demands and vetoed some grabs, his complaisant partisanship and his theories of unrestrained local government had made him, in a large measure, the tool of the ring, and his belated efforts to coöperate with the Committee of Seventy in punishing the thieves could not rehabilitate him. Lucius Robinson had some earnest friends, as did Homer A. Nelson, while Beach had a still larger following. Although Tilden had been made a sachem of the new Tammany Hall and Kelly was supposed to be in alliance with him, Kelly threw his strength to Augustus Schell, another Tammany sachem, while Kings county supported Chief-Judge Church, who was the popular favorite of the delegates. Tilden, however, disposed of Church by publishing a letter of declination that he had written some time before, and by getting Robinson to withdraw in favor of Francis Kernan, who was Tilden's first choice. Kernan had been Tilden's earliest confidant and his chief assistant in the political side of his fight against Tweed, as Charles O'Conor had been his chief assistant in the legal side. He was an able lawyer, pleasing in address,

public-spirited, and of irreproachable character. In answer to comments on his being a Roman Catholic Tilden said that those who opposed him "could have forgiven his religion if they could only have ceased to fear his honesty." Kernan was nominated by the Democrats and accepted by the Liberals, who named Chauncey M. Depew for Lieutenant-Governor.<sup>8</sup>

The Democrats in their platform denounced the Federal administration for its wastefulness and low tone, dwelt on the abuses and failure of the Republican Legislature to respond to the demands for reform and particularly on its refusal to expel Senator James Wood of Livingston, who confessed to accepting large "loans" from Tweed, which could not be interpreted by most persons as anything but bribes. It also opposed the Republican suggestion of Federal coöperation in the improvement of the canals. The Liberals proclaimed reform as the great duty of the hour in State and nation and deplored the failure of the Legislature to do the work expected of it.

The Democratic opposition to Greeley culminated in a convention of "Straight-outs" which met at Louisville on September 3. The Apollo Hall Democracy, led by James O'Brien, was the most active supporter of the movement in New York. This convention nominated Charles O'Conor of New York for President and John Quincy Adams of Massachusetts for Vice-President.

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<sup>8</sup>The fusion ticket was: Governor, Francis Kernan, Oneida; Lieutenant-Governor, Chauncey M. Depew, Westchester; Canal Commissioner, John Hubbard, Chenango; Prison Inspector, Enos C. Brooks, Cattaraugus; Congressman-at-large, Samuel S. Cox, New York.

Notwithstanding O'Conor's declination to the convention and his subsequent refusal to run, the "Straight-outs" continued their opposition to union and held a convention at Albany on October 3, which denounced the betrayal of the party at Baltimore, indorsed O'Conor and Adams, and nominated an independent Electoral ticket but named no candidates for State offices.

The campaign was one of exceedingly bitter personalities on both sides. In his letter of acceptance Greeley said to the Liberals: "I accept your nomination in the confident trust that the masses of our countrymen, north and south, are eager to clasp hands across the bloody chasm."<sup>9</sup> His prospects at first were encouraging, but it soon became evident that, wide as was the dissatisfaction with the Grant administration among thoughtful men, the bulk of the northern Republicans had not yet forgotten the war. Nast caricatured Greeley's mannerisms and the administration speakers rang the changes on his political inconsistencies, picturing him as a partner in the Tammany frauds and a sympathizer with the rebels, who had gone on Jeff Davis's bail bond. Dix declared that Greeley could not be supported because he had talked conciliation in 1860. Greeley countered by quoting Dix's own statement of December 15, 1860, in favor of letting the south depart in peace. He also showed that Lyman Tremain, the Republican candidate for Congressman-at-large, had as late as February, 1861, protested, "traitorous though it may be," against war

<sup>9</sup>New York Tribune, May 22, 1872.

with the south in the name of upholding the Constitution, "now, hereafter, and forever."<sup>10</sup> The action of Congress, after the nomination of Greeley, in passing a general amnesty act and in putting tea and coffee on the free list, weakened the force of the conciliation and revenue reform pleas of the opposition. Greeley addressed large audiences and awakened great enthusiasm, but this reflected interest in the personality of the great editor rather than a readiness to help him put the Democracy in power. The Republican victories in North Carolina in August and in Maine and Vermont in September showed the Republican drift, and sent all the northern floaters scurrying to the administration camp and even led many of the southern Democrats to think that the best chance to secure power in their own States lay in friendly relations with the Republicans in Washington. Pennsylvania, Ohio, and Indiana went Republican in October, and on November 5 Grant was reelected, securing 286 Electoral votes while Greeley carried only Georgia, Kentucky, Maryland, Missouri, Tennessee, and Texas, with 66 Electoral votes. In New York State Grant polled 440,759 votes to Greeley's 387,279, having a plurality of 53,480. The "Straight-outs" cast 1,454 votes for the O'Conor ticket. Dix carried the State by 55,451 plurality, receiving 447,801 to Kernan's 392,350. Tremain won over Cox for Congressman by 37,759. The Republicans won 24 and the Democrats 8 Congress districts. The Assembly stood 91 Republicans, 35 Democrats, and 2 Independ-

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<sup>10</sup>New York Tribune, November 5, 1872.

ents. The Senate holding over consisted of 24 Republicans and 8 Democrats. Of the 15 Assemblymen from New York City, Tammany succeeded in electing only 4. Greeley carried the city by 23,157 plurality, and Kernan carried it by 21,625.

The regular Democrats nominated Abraham R. Lawrence for Mayor of New York City and Greeley supported him, but the Committee of Seventy and most of the active opponents of Tweed joined the Republicans in support of ex-Mayor William F. Havemeyer, who was elected Mayor by a narrow plurality, receiving 53,031 votes, while Lawrence had 47,133 and James O'Brien, the Apollo Hall candidate, 34,714. Noah Davis, who had resigned from the Supreme Court in western New York in the hope of getting to the Senate, was elected to the Supreme Court in the city to fill the vacancy caused by the retirement of Cardozo.

Greeley had taken no personal part in the last few weeks of the campaign owing to the illness of his wife, whom he nursed day and night with devoted attention until her death on October 30. After the election he resumed the editorship of the *Tribune* with the announcement that it would thenceforth be an independent paper. But the strain of the campaign and of Mrs. Greeley's illness and death had worn him out. Inflammation of the brain coverings developed and he died on November 29, 1872. The tragedy of his death following so soon on the disappointment of his hopes awakened universal sorrow. President Grant, Vice-President Colfax, and Vice-President-elect Wilson together attended his funeral and joined in paying

tribute to the greatest of American editors and one of the purest and most simple-minded of men.

With the death of Greeley the future of the *Tribune*, with its great influence, became a matter of moment to politicians. Certain Republicans were eager to own it, and one of them, William Orton, succeeded in purchasing the controlling shares of stock. There was much satirical discussion in the press at this time over the rumored tender of the editorship to Schuyler Colfax. Whitelaw Reid, John Hay, and others of the staff resigned their posts, Reid agreeing to stay on for a week or so to wind up office affairs. During this brief period he saw the chance to purchase the shares in Orton's hands and prevent the transformation of the paper into a Grant organ. He seized the opportunity, leaving only one share in Orton's possession, and thus entered upon the control of the journal with which his name was so honorably associated until his death while Ambassador to Great Britain almost exactly forty years later.

## CHAPTER XI

### CONKLING SUFFERS A REVERSE

1873

THE Republican victory made Roscoe Conkling the undisputed leader of the Republicans of New York and a great figure in the nation, with clear Presidential possibilities. No Senator was closer to the President, of whose policies he was recognized as the most powerful, if not the most persuasive, exponent. Chief-Justice Chase died on May 7, 1873, and Grant offered on November 8 to appoint Conkling Chief-Justice, an office which he would have filled with distinction. He declined. After the Senate failed to confirm, first Attorney-General George H. Williams and then Caleb Cushing, the place was again open to him. Conkling, however, preferred the activity of politics. He gathered about him a body of adroit managers, including Thomas C. Platt, Chester A. Arthur, and Richard Crowley, and built an organization that completely dominated the Republican party until its overthrow eight years later in the Half-breed-Stalwart struggle. The Legislature of 1873 was completely under his control. He made his former State chairman, Alonzo B. Cornell, Speaker. Cornell repeated the tactics of Speaker Younglove in the Senatorial contest of 1869

and held back the appointment of committees until after the Senatorial caucus on January 8. This was an excess of caution, but Cornell meant to take no chances that any waverers should be drawn over to the Liberal-Democratic combination, which in caucus nominated Judge Charles Wheaton of Dutchess, a Liberal Republican, by a vote of 24 to 11 for Henry R. Selden, also a Liberal. Conkling was unanimously nominated by the Republican caucus and reëlected on January 21.

Governor Dix in his first annual message recommended the repeal of the Tweed charter as necessary to secure the fruits of reform in New York City. He took issue with his predecessor as to the constitutionality of cumulative voting to secure minority representation in Common Councils and recommended the plan, and he proposed that the appointing power should be entrusted to the Mayor. This by no means suited the custom house ring, which had elected Havemeyer, a Democrat, in the name of reform, but had no intention of giving him a free hand that would deprive it of the spoils. The Republicans introduced a charter that, at various stages in one form or another, reduced the Mayor to a nonentity. At one stage it gave him merely a suspensory veto on the nominations of the Aldermen for department heads, leaving him as helpless as a Governor under the old Council of Appointment. At another stage, while the general power to appoint was conferred upon him, the Republican heads of departments, who had been in the Tweed ring, were continued in office by special provisions. The Mayor's power of removal was also made ineffective. A public

meeting was held in Cooper Union on February 25, presided over by J. M. Brown, the chairman of the Committee of Seventy, and attended by such men as Jackson S. Schultz, Theodore W. Dwight, E. Randolph Robinson, and Dorman B. Eaton, which protested against forcing such a charter on the city. The Republicans made some concession to reform sentiment, but, as finally passed and signed by the Governor, the charter placed beyond the Mayor's control the four important offices held by the Republicans, among them the Corporation Counsel, and also the office of Comptroller, still held by Andrew H. Green.

The Legislature passed a bill allowing local communities to prohibit the liquor traffic, but the Governor vetoed it on the ground that it made no distinction between distilled liquors and light fermented beverages, and while pretending to give communities larger liberty to get rid of the evils of the traffic really hampered them. No community could rid itself of strong liquors until it could persuade its people to give up light wines and beers. This action was bitterly resented by the temperance people, and was an important factor in consolidating the prohibition forces into a separate political party.

The Republicans, though they had just carried the State so overwhelmingly, took a heavy burden into the fall campaign. The Credit-Mobilier scandal and the Congressional salary grab had aroused indignation throughout the country, and the financial panic of 1873, precipitated by the failure on September 18 of Jay Cooke & Company, reacted against the party in

power. Nevertheless, the Republicans entered the campaign in no spirit of concession toward reformers. They held their State convention at Utica on September 24. Ten days before, the *Tribune* called upon them to renominate Comptroller Hopkins, who in the Canal board had opposed the ring, and also to renominate State Treasurer Raines. Although Raines had joined the Liberals, "his exposure last winter," said the *Tribune*, "of the manner in which millions of dollars were squandered for canal claims, damages, and repairs will not soon be forgotten. He then earned the hostility of every canal thief, and we know of no better title now to the confidence and support of every honest voter."<sup>1</sup>

The convention reluctantly nominated Hopkins, but in every other respect displayed a reactionary spirit.<sup>2</sup> Partisanship could perhaps hardly be expected to rise to the nomination of Raines, since having been elected to office as a Republican he had left the party, but Attorney-General Barlow was still a loyal Republican who had rendered distinguished service in office. He forced restitution to the looted Erie treasury, coöperated with O'Conor in the Tammany prosecutions, and fearlessly opposed the canal ring. To him the State owed the resumption of specie payment on its bonds in 1872. Comptroller Hopkins then proposed to pay in legal tenders, but Barlow, finally overcoming his opposition, carried the Commissioners of the Canal Fund unanimously for payment in coin. Shortly before the

<sup>1</sup>New York *Tribune*, September 13, 1873.

<sup>2</sup>New York *Tribune*, September 25, 1873.

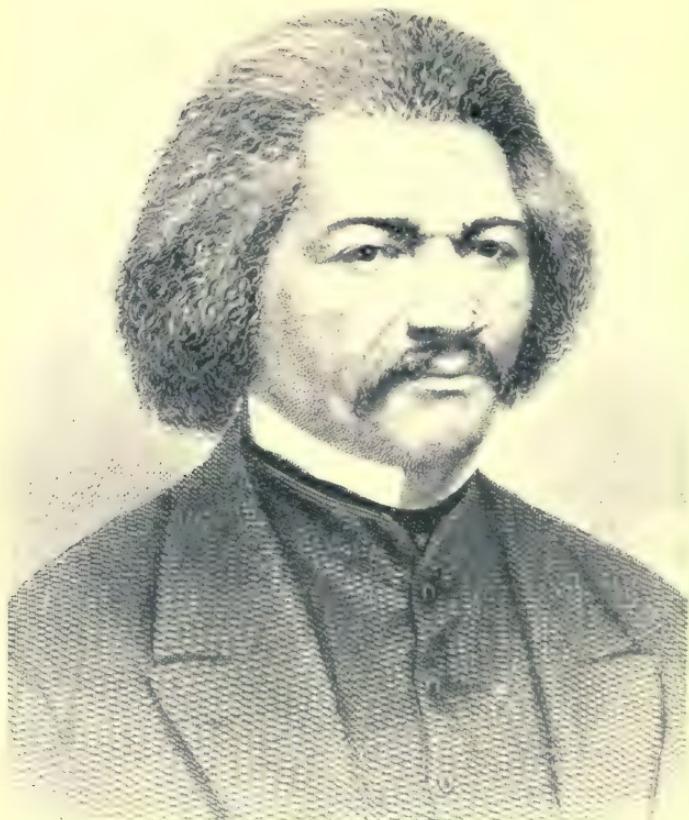
convention he publicly denounced State Engineer William B. Taylor as a tool of the canal ring who ought not to be voted for by any honest man.<sup>3</sup> B. Platt Carpenter of Dutchess was a candidate for Attorney-General, but the contrast between him and Barlow was too striking, and the managers turned to Benjamin D. Silliman of Brooklyn, a man of high character, to lend tone to the ticket. General Stewart L. Woodford, who presided over the convention, left the chair to say in a plea for Silliman's nomination: "We dare not leave Francis C. Barlow off the ticket unless we can place a man there to lift the ticket higher." Then, in the face of this tribute to Barlow and Barlow's own charges against the State Engineer, the convention proceeded to renominate Taylor.<sup>4</sup>

The platform was a conventional one, which pointed with pride to the Republican record in national politics and claimed credit for the overthrow of Tammany and the purification of elections. The friends of temperance who had been alienated by the local option veto were reminded that the party was committed to the policy of local option and was responsible for the statute allowing recovery of civil damages for injury sustained by the sale of intoxicants. The adaptation of the canals to steam navigation with the aid of Congress was advocated, the Senators and Representatives who

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<sup>3</sup>New York *Tribune*, September 4, 1873.

<sup>4</sup>The ticket was: Secretary of State, Francis S. Thayer, Rensselaer; Comptroller, Nelson K. Hopkins, Erie; Treasurer, Daniel G. Fort, Oswego; Attorney-General, Benjamin D. Silliman, Kings; State Engineer, William B. Taylor, Oneida; Canal Commissioner, Sidney Mead, Cayuga; Prison Inspector, Moss K. Platt, Essex.



FREDERICK DOUGLASS

Frederick Douglass; born in 1817 at Tuckahoe near Easton, Md.; his father was white, his mother a negro slave; escaped from slavery in 1838 in the disguise of a sailor; in 1841 spoke at an anti-slavery convention and showed such gifts of oratory that he was sent out as a lecturer; published an abolitionist paper at Rochester, N. Y., 1847; appointed secretary to San Domingo commission, 1871; presidential elector from New York state, 1872; United States marshal, District of Columbia, 1877-1878; recorder of deeds, District of Columbia, 1889; appointed minister to Haiti, 1891; died at Washington, D. C., February 20, 1895.



had opposed the back pay grab were commended, and particular attention was drawn to the fact that Democrats and Liberals had participated in larger proportion than the Republicans in the back pay movement. The platform commended those who had refused to draw their pay and favored legislation to cover the undrawn amounts back into the treasury. Conkling voted against the salary bill, while Fenton had been absent at the time of its passage.

The Democrats met in State convention at Utica on October 1, and condemned the salary grab and all Congressmen, Democrats or Republicans, who had voted for or who had not renounced all share of the plunder. Congressman Thomas Kinsella, editor of the Brooklyn *Eagle*, was kept off the State committee because he had drawn the back pay, though his friends denounced this show of austerity as hypocrisy. The platform also condemned the increase in the President's salary, denounced the Credit-Mobilier frauds, condemned the President for "bayonet government" in Louisiana, and opposed the return to specie payments, the abandonment of paper inflation, the protective tariff, and government subsidies. The Supreme Court, which had recently sustained the Legal Tender act, was spoken of as a packed bench. The Republicans were denounced for trying to put the corrupt ring back in power in New York City, and legislation was proposed that would require officials to keep books of their business affairs, as merchants were required to under the tax laws, so that these might be examined to show corruption. Seymour made a plea before the convention for harmony

with the Liberals, and the platform recognized them as "worthy coadjutors" and invited them "to unite with us in our efforts to restore pure government in our State and Federal administration." But the spirit of coöperation went little farther than words. Raines was nominated by acclamation for Treasurer, while Horatio Seymour sat ready to take the floor in his behalf if the canal ring made any move against him, but for the rest a partisan ticket, headed by Willers for Secretary of State, was put forward.<sup>5</sup>

The Liberal Republicans were in a difficult position. Their place-hunters and camp-followers had largely deserted the movement, but it still enlisted the support of a considerable body of able men devoted to reform, who were by no means ready to call themselves Democrats because they objected to misgovernment under Republican rule. In July the Liberals, meeting at Saratoga, sent a letter to the Democratic State chairman, Allen C. Beach, inviting coöperation in a call for a State convention.<sup>6</sup> This was ignored. On August 31 Ben Field, the leading Liberal of Orleans county, wrote from New York to D. D. S. Brown: "It looks as if there is a growing disposition on the part of the Democracy to go back to their old 'ante-bellum' platform, and to compel every one who acts with them in the election this fall to come into the Democratic party.

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<sup>5</sup>The ticket was: Secretary of State, Diedrich Willers, Seneca; Comptroller, Asher P. Nichols, Erie; Treasurer, Thomas Raines, Monroe; Attorney-General, Daniel Pratt, Onondaga; State Engineer, Sylvanus H. Sweet, Albany; Canal Commissioner, James Jackson, Niagara; Prison Inspector, George W. Millspaugh, Orange.

<sup>6</sup>New York Tribune, September 12, 1873.

This we can't do; at least I can't. And if I was willing to, and you were willing to, and Cochrane and his entire State committee, what would it avail? How many would follow?"<sup>7</sup> Field proposed a movement among the trade unions to secure the election of a few members of the Assembly independent of both parties to make a balance of power in the Legislature. "This," he said, "is more important than which side has the State offices."

Failing to obtain a union convention, the Liberal State committee met in New York City on September 11 and issued a call for a State convention at Elmira on October 8.<sup>8</sup> This call, signed by John Cochrane, Alfred Wilkinson, Samuel C. Tabor, D. D. S. Brown, Clark Bell, Henry C. Lake, Gilbert C. Deane, and Edward F. Jones, was addressed to all those who recognized "no virtue in any political party beyond its power to govern honestly and well," and declared that the issue that had theretofore divided the people into political parties had ceased to exist, while new interests, labor and industrial, required attention. At the Elmira convention a sharp difference of opinion arose as to the course of the party. Cochrane and most of the New York City delegates favored making a selection of the best men on the Democratic and Republican tickets, on the ground that neither ticket was entirely fit for reform support. On the other hand, D. D. S. Brown and other Monroe Liberals favored the indorsement of the full Democratic ticket on the ground that in many parts of

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<sup>7</sup>Unpublished letter in the author's possession.

<sup>8</sup>New York Tribune, September 12, 1873.

the State Liberals and Democrats had united organizations and a split ticket would make trouble.<sup>9</sup> They also argued that the only way to keep the Republicans from getting a majority of the Canal board and protecting the canal ring was by support of the whole Democratic State ticket. When the subject was threshed out in the State committee, however, all the members except Brown favored the eclectic ticket and the convention followed that plan, indorsing Raines and all of the Democrats, excepting the candidates for Comptroller and Prison Inspector. For these offices it took the Republican candidates, Nelson K. Hopkins by a vote of 100 to 12 for Nichols, and Moss K. Platt unanimously. Seventeen delegates preferred a larger Republican representation and voted for Thayer for Secretary of State as against Willers.

In the midst of the campaign the Democrats were thrown into confusion and their advantage springing from the Republican failure to renominate reforming officers was seemingly lost by the discovery that a clerk in the State treasury had falsified his accounts and was a defaulter for a large sum. Raines dealt boldly and frankly with the difficult situation and found the electorate not disposed, despite newspaper attacks, to let the defalcation obscure the substantial issues of reform. At the election of November 7 the Liberals showed that their effective strength in the State was scarcely 10,000 votes. But it was sufficient to serve as a balance of power and elect the candidates picked out from the two tickets at Elmira. Hopkins was elected Com-

<sup>9</sup>New York Tribune, October 8, 1873.

troller by a plurality of 4,065 and Platt Prison Inspector by about the same vote, while Willers was elected Secretary of State by a plurality of 9,793 and Raines Treasurer by a plurality of 12,630. The Prohibition ticket received 3,272 votes. The Liberals were not successful in securing a balance of power in the Legislature. The Republicans in January chose James W. Husted for the first of his six terms as Speaker. Seventeen Senators were Republicans, 12 Democrats, 2 Independents, and 1 Liberal Republican. The Republicans won 74 Assemblymen, while the Democrats had 49, the Independents 3, and the Liberal Republicans 2. The question of elective or appointive Judges was submitted in accordance with the plan of the Constitutional convention of 1867, and the people by over 200,000 majority decided to continue the election of both their higher and lower Judges.

## CHAPTER XII

### TILDEN ELECTED GOVERNOR

1874

THE most important work of the Legislature of 1874 was the final revision of the constitutional amendments proposed by the commission that Governor Hoffman had appointed two years before. This commission met in Albany on December 2, 1872, with Robert H. Pruyn as chairman. Its membership included George Opdyke, Augustus Schell, William Cassidy, David Rumsey, Erastus Brooks, and Francis Kernan, all of whom had been members of the convention of 1867. Other prominent members were John D. Van Buren, Benjamin D. Silliman, Daniel Pratt, George B. Bradley, and Sherman S. Rogers. The commission completed its work on March 15, 1873. As it was purely an advisory body its recommendations had to be passed on by two Legislatures before going to the people.

It reported amendments to provide against bribery and wagers at elections, to abolish the property qualification for colored voters, to establish a thirty-day election district instead of town or ward residence for voters, and to allow persons absent from home in military service of either the State or nation to vote, thus

extending the right that had been given to citizens serving in the war to those who might be called out for home service. It proposed to forbid extra compensation to State contractors, to require two-thirds of all the members of each house to override the Governor's veto, to let the Governor veto individual items in appropriation bills, and to allow the sale of all the canals excepting the Erie, Oswego, Cayuga, Seneca, and Champlain, thus opening the door to the disposal of the non-paying lateral canals, as Greeley had proposed in the convention of 1867. All of these amendments were passed by the Legislature and submitted. A plan to extend the terms of Senators to four years was not submitted. Amendments to regulate legislative procedure, especially to limit private legislation and forbid the auditing of private claims, were submitted with some modifications. The term of the Governor was increased to three years and his salary raised from \$4,000 to \$10,000. The salary of the Lieutenant-Governor, with a similar term, was raised from \$6.00 a day and mileage—sometimes amounting to \$1,000—to \$4,000. The Legislature increased this to \$5,000 and submitted both changes. The commission, following the view of Hoffman and anticipating the policy of the Constitutional convention of 1915, proposed to make the Secretary of State, Attorney-General, and State Engineer appointive by the Governor, and also to abolish the Canal Commissioners, to create a Superintendent of State Prisons and a Superintendent of Public Works to be appointed by the Governor, and to confer upon the Legislature the election of the Treasurer, leaving the

Comptroller to be elected by the people at the same time as the Governor. The Legislature blocked these changes as well as an article giving extensive home rule powers to cities. All the amendments as modified and finally passed by the two Legislatures were submitted on November 3, 1874, and adopted by majorities ranging from 20,000 to 360,000. Thus the State secured some of the reforms that the people had rejected a little time before chiefly because the Democrats had made a party issue against them while the Republicans failed to take any stand in support of the convention that they had controlled.

The first political convention of the year was held at Auburn on June 23 by the Prohibitionists, who nominated ex-Governor Myron H. Clark for Governor. At the same time and place, a body of temperance Republicans held a convention and protested to the Republican organization against the renomination of Dix because of his veto of the Local Option bill. The nomination of Dix, however, was inevitable, though the Conkling organization had little enthusiasm for him and less for Lieutenant-Governor Robinson. Early in September at a meeting of the Republican committee of New York City, a resolution was passed favoring the renomination of Dix, and this was followed by one favoring Robinson, which ran so far counter to Arthur's plans that the whole question was reconsidered and no indorsement given.<sup>1</sup> On the eve of the State convention, which was held in Utica on September 3, the *Tribune* declared that the plan was to set aside Robinson for Cornell, and

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<sup>1</sup>New York *Tribune*, September 19, 1874.

then, if the party was successful, to send Dix to the Senate, making Cornell Governor.<sup>2</sup> The politicians, it said, would like to name Cornell and William H. Robertson, but they did not dare retire Dix.

Theodore M. Pomeroy was temporary and Edwin D. Morgan permanent chairman of the convention, the most striking feature of which was Conkling's speech in eulogy of Grant. This, though it carefully avoided mention of a third term, was generally interpreted as preparing the way for one. The opposition was agitating the question, and Republican politicians were seeking disavowals of third-term ambitions by the President, which were not forthcoming. Some delegates had drawn up resolutions against a third term, but no one had the temerity to precipitate the discussion in the face of Conkling. The convention renominated Dix by acclamation. Cornell deemed it discreet to retire, and General Batcheller of Saratoga, who had also been an aspirant for the office, presented the name of Robinson, who was nominated without opposition.<sup>3</sup> The platform pointed with pride to the party record as usual, indorsed Grant and Dix, and called for obedience to law and protection against the Ku Klux. With an eye to the Louisiana troubles, it declared that an armed attempt to subvert a State government was revolution. The resolutions favored the payment of the public debt

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<sup>2</sup>New York *Tribune*, September 22, 1874.

<sup>3</sup>The ticket was: Governor, John A. Dix, New York; Lieutenant-Governor, John C. Robinson, Broome; Canal Commissioner, Reuben W. Stroud, Onondaga; Prison Inspector, Ezra Graves, Herkimer; Judge of the Court of Appeals, Alexander S. Johnson, Oneida.

in coin, and commended the President's veto of the Inflation act.

The drift against the Republicans, which had been apparent in more than one State in the election of 1873, convinced Tilden that the time had come to capitalize for the Democracy the reform sentiment that had manifested itself, but failed of fruition, in the Liberal movement. He had become the dominant figure of his party in the State, both through his championship of financial probity in office and through his skill as a political manager trained in the schools of Van Buren and Silas Wright. Without the charm or eloquence of Seymour, and without the boldness or the vision requisite to the broadest statesmanship, he had an incomparable talent for organization and for leadership behind the scenes. He also had an instinct for practicality in political movement that saved him from wasting his influence in futile and untimely actions. The astute self-restraint that kept him when an obscure youth in a New York boarding-house from forming any ties with his fellow-lodgers, that he might have no inconvenient friends to abandon as he rose in the social scale, made him a patient politician who led no forlorn hopes, broke no lances on windmills. He had been complaisant toward the equivocal war attitude of his party, he had stayed his hand against Tweed till Tweed's overthrow was possible, he had checked his own ambitions till the way for them was smoothed and safe. Now at last was his opportunity. Early in the summer he allowed himself to be talked of as a candidate for Governor. The idea met with a hearty response in many

counties of the State. Besides, he had Tammany Hall, under the leadership of John Kelly, solidly behind him. The old Tweed element in the rural counties, as well as the canal ring, were dismayed at the prospect of his nomination, and sought to force him from the field. Seymour, though friendly, was discouraging, reminding Tilden that if nominated he must expect the martyr's crown, and that "our people want men in office who will not steal, but who will not interfere with those who do."<sup>4</sup>

The opposition tried to arouse enthusiasm for Senator John Ganson of Buffalo, Judge William F. Allen of the Court of Appeals, or Chief-Judge Church. Church had at first declined to be a candidate, but, according to John Bigelow, he "was poor, he was ambitious, he was not content with his place on the bench, and was only too ready at all times to combine with anybody on any terms to secure wealth and power." Bigelow also says of Church: "Tilden knew the canal ring had no more servile instrument in the State than the candidate they were urging."<sup>5</sup> Church had repeatedly written Tilden saying he wanted to make some money and asking if there was not some speculation by which he could do so,<sup>6</sup> and when he became Chief-Judge he accepted with the protest: "I shall of course object to being regarded as shelved."<sup>7</sup> Church, indeed, was a politician,

<sup>4</sup>Bigelow, *Life of Samuel J. Tilden*, I, p. 221.

<sup>5</sup>Bigelow, *Life of Samuel J. Tilden*, I, p. 226.

<sup>6</sup>Letters of June 27, 1869, and January 27, 1870. Bigelow, *Letters and Memorials of Samuel J. Tilden*, I, p. 257.

<sup>7</sup>Letter of April 20, 1870. Bigelow, *Letters and Memorials of Samuel J. Tilden*, I, p. 265.

more than a jurist, by nature. Yet as a Judge his geniality made him popular and he commanded the respect of the bar. At his death Judge Folger, his successor, said: "He went through many stirring canvasses and many times of strong temptation, but when party strife was hottest, and aspersions were the usual utterances of partisans, not a breath that he was not upright ever settled on the mirror of his fame."

Joseph Warren, of the Buffalo *Courier*, visited Church on September 5 and got from him a memorandum saying that he was not a candidate, but adding: "If, notwithstanding, the convention, with the cordial concurrence of all the candidates of the party, demands that he change his present position to that of Governor, we do not see that he can refuse."<sup>8</sup> Armed with this, Warren obtained the withdrawal of both Allen and Ganson, and then arranged a meeting with Tilden on September 8 at the Delavan House in Albany, in the rooms of Senator Jarvis Lord of Monroe, one of the leaders of the canal ring. With Warren were Lord, Delos DeWolf, and other canal men. Tilden, however, refused to withdraw.

Meanwhile the opposition to Tilden sought the aid of the Liberal State convention, which met at Albany on September 9. There a noisy minority wanted to nominate Church, holding Frederick A. Conkling, a brother of the Senator but an original Liberal, or Henry R. Selden, in reserve if he declined. The majority, however, refused to tie themselves up to one faction and that the probably unsuccessful faction in the coming

<sup>8</sup>New York *World*, September 10, 1874.

Democratic convention, and the Liberals adjourned to meet again in Albany on September 29, after the leading parties had nominated. The scheme to nominate Church was by some attributed to Fenton,<sup>9</sup> and perhaps it may have been his plan, if Tilden withdrew, to anticipate what would then have been the inevitable action of the Democrats. On the other hand, both the *Troy Times* and the *New York Tribune*<sup>10</sup> suggested that the Liberal adjournment was a part of a Fenton plan to make a combination with the Democratic nominees involving his own reëlection to the Senate in case of Democratic victory.

A few days before the Democratic State convention, which met at Syracuse on September 16, John Kelly published a pointed attack<sup>11</sup> on DeWolf, Warren, and Lord, saying that their policy had been to control a majority of the Canal board for the purpose of enabling them to get hold of contracts given out on the canals, and that they had "always been friendly to Judge Church and of great assistance to him personally." They had likewise sustained Judge Allen. He also commented on the "friendship existing between the old Tammany ring and this canal ring." William Purcell, the influential and belligerent Rochester editor, aroused by attacks on Church, declared against a nomination favored by Tammany, saying: "In the average Republican and no-party mind Tammany Hall under honest

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<sup>9</sup>*New York Herald*, September 9, 1874.

<sup>10</sup>*New York Tribune*, September 14, 1874.

<sup>11</sup>*New York World*, September 10, 1874.

John Kelly is exactly the same as Tammany Hall under dishonest William M. Tweed."<sup>12</sup>

Mayor Havemeyer also attacked Kelly, for other reasons. Charges had been preferred to the Governor against Havemeyer by Kelly, Oswald Ottendorfer, and William H. Wickman, who was about to be Kelly's candidate for Mayor, alleging neglect of duty and misconduct in the reappointment of officials who, having been convicted of misdemeanor, were ineligible. The Governor on September 14 handed down an opinion sustaining the charges but refusing to exercise his discretion to remove, on the ground that no public good was to be served thereby. A new Mayor was to be elected within two months and a change would cause confusion in the city affairs. As soon as the proceedings for removal were dismissed, Havemeyer accused Kelly of having, during his six years' term in the Sheriff's office, cheated the county out of \$88,844 by unauthorized charges for prisoners convicted in the police courts and vagrants committed to the workhouse, and by collecting double rates for conveying prisoners to and from Blackwell's Island.<sup>13</sup> The Mayor said: "I think you are worse than Tweed, who made no pretense to purity, while you avow your honesty and wrap yourself in the mantle of purity." Kelly sued Havemeyer for libel, but on November 30, the day the case was to come to trial, the Mayor died suddenly of apoplexy, and no decision as to the truth of the charges was reached.

<sup>12</sup>Rochester *Union and Advertiser*, quoted in the *New York Herald*, September 9, 1874.

<sup>13</sup>New York *Tribune*, September 18, 1874; and New York *Times*, September 18 and 20, 1874.

Impartial observers reported that the Democratic convention, much against its will, was on good behavior.<sup>14</sup> It had no sympathy with reform, but the canal ring had no means of blocking Tilden, although for a time there was talk that Church had gone a step farther toward being a candidate than in his statement to Warren, and that the ring would vote for him. Finally the opposition concentrated on Amasa J. Parker, who allowed himself to be used by those who were indignant at Kelly's personal attacks on Church. Seymour, in reporting the platform, poured oil on the troubled waters and paid a tribute to Church, saying that he knew he would not run and that all talk of divisions was false. Jarvis Lord voiced the resentment of Church's friends in a resolution denouncing the *World* for its attacks on "honored Democrats," but he was suppressed. Tilden was nominated on the first ballot, receiving 252 votes to 126 for Parker, with 10 votes scattered. For Lieutenant-Governor the leaders determined upon a Liberal, although the partisans who argued that they had no assurance of Liberal support proposed Smith M. Weed of Clinton. DeWitt C. Littlejohn, on behalf of the Liberals, nominated William Dorsheimer of Buffalo, who had given up a Federal District Attorneyship to join the Liberal movement. Dorsheimer was nominated by a vote of 193 to 155 for Weed. Thirty-four votes were cast for Stephen T. Hayt, 15 for Edward F. Jones, and 11 for George W. Schuyler, all Liberal Republicans.<sup>15</sup>

<sup>14</sup>New York Tribune, September 17, 1874.

<sup>15</sup>The ticket was: Governor, Samuel J. Tilden, New York; Lieutenant-

The platform appealed for the support of the Liberal Republicans and declared for gold and silver as the only legal tender, with no inconvertible money. Its other demands were: progress to specie payment, honest payment of the public debt, taxation for revenue only, home rule, equal and exact justice with no partial legislation or taxation, a free press, uniform excise and no sumptuary laws, official accountability, State supervision of corporations, party responsibility for all legislation, the treatment of the Presidency as a public trust, and general economy.

At the adjourned convention of the Liberals at Albany on September 29, E. A. Merritt brought before the State committee a resolution that, without indorsing either ticket, urged Liberals to support only men of approved honesty who most fitly represented the Cincinnati platform and who stood committed by the platform of the convention nominating them against the third term. This resolution was offered to the convention by General Jones of Binghamton and favored by Cochrane. Frederick A. Conkling attacked Dix, who had been president of the Union Pacific, on account of the Credit-Mobilier scandals, and proposed to indorse the Syracuse ticket. He believed that the defeat of the Republicans would end the third term danger.<sup>16</sup> The Merritt resolution, however, was adopted.

The Republicans entered the campaign with confidence. *The New York Times* predicted: "The

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Governor, William Dorsheimer, Erie; Canal Commissioner, Adin Thayer, Rensselaer; Prison Inspector, George Wagner, Yates; Judge of the Court of Appeals, Theodore Miller, Columbia.

<sup>16</sup>*New York Tribune*, September 29 and 30, 1874.



#### JOHN ADAMS DIX

John Adams Dix, 27th governor (1873-1874); born at Bos-  
cawen, N. H., July 24, 1798; served through the war of 1812;  
studied law and after having made a European tour was ad-  
mitted to the bar and practiced at Cooperstown, N. Y.; adjutant  
general of New York, 1831-1833; secretary of the democratic  
national convention in Baltimore in 1828; secretary of state of  
New York, 1833-1839; regent of the university; member of the  
council and canal commissioner; member of the state assembly  
in 1842; Free-Soil candidate for governor in 1848; elected as a  
democrat to the United States senate to fill vacancy caused by  
the resignation of Silas Wright and served from January 18,  
1845 to March 3, 1849; appointed postmaster of the City of New  
York in 1860; secretary of the treasury from January 11, 1861 to  
March 3, 1861; served in the union army as major general,  
1861-1865; United States minister to France from September 24,  
1866 to May 23, 1869; governor of New York state, 1873-1874;  
defeated as the republican candidate for governor in 1874 and  
as the republican candidate for mayor of New York City in  
1876; died in New York City, April 21, 1879.



Tweedites will labor hard to render Mr. Tilden's inevitable defeat as ignominious as they can."<sup>17</sup> The *Tribune*, which maintained an independent attitude, pointed out to Tilden that he was running against a man "who as Governor of New York has achieved more renown than any of his predecessors within the memory of this generation," and on the eve of the election it declared that the part of honest Republicans was to decide whether they wanted to encourage a third term or stimulate the revival of the old rebel and Tweed Democracy.<sup>18</sup> The Democrats charged Dix with nepotism and extravagance in the Executive office, where he had six aides, though two had sufficed for Morgan in war time, and where he had increased the secretary's salary and given the place to his son.<sup>19</sup> They also took up the Credit-Mobilier charge, although Dix had been in no way connected with the construction company. The third term issue also was a trouble to the Republicans and Dix was publicly urged to declare against Grant's renomination. Thurlow Weed was especially indignant against the administration's course in this matter. He thought the record of Grant's second term, with the exception of his anti-inflation veto, bad, and "his refusal to disclaim the 'third term' accusation unendurable."<sup>20</sup>

Thus handicapped, with party managers apathetic and Conkling almost ignoring him in his speeches, while Tilden kindled the imagination as the reformer

<sup>17</sup>New York *Times*, September 18, 1874.

<sup>18</sup>New York *Tribune*, October 2, 1874.

<sup>19</sup>Horatio Seymour to Tilden, Bigelow, *Life of Samuel J. Tilden*, I, p. 233.

<sup>20</sup>Letter to Dix, November 7, 1874, Barnes, *Life of Weed*, II, p. 506.

who had broken down the Tweed ring, Dix went down to defeat. Tilden received 416,391 votes to 366,074 for Dix, or a plurality of 50,317. Clark polled 11,768 votes. Dorsheimer was elected by a plurality of 51,488. The Democrats carried the Assembly, winning 75 seats to the Republicans' 53. The hold-over Senate stood: Democrats, 12; Republicans, 18; Independents, 2. This gave the Democrats control on joint ballot for the election of Fenton's successor. They also won 18 of the 33 Congressmen. Tammany elected its Mayor, Wickham, who received 70,071 votes to 36,953 for Salem H. Wales, Republican, and 24,226 for Oswald Ottendorfer, the candidate of the Germans who would not act with Tammany.

## CHAPTER XIII

### TILDEN OVERTHROWS THE CANAL RING

1875

**I**F Fenton had any hopes of reëlection as the result of the administration's defeat, they were quickly dissipated. Tilden selected for the Senate Francis Kernan, his staunchest coworker in his fight to dominate the party, but he carefully refrained from open dictation. Kernan had once beaten Conkling for Congress, and had been the Liberal-Democratic candidate for Governor in 1872. Henry C. Murphy had aspirations, which Kelly's enemies, especially Church's friends who resented his attacks on the Chief-Judge, encouraged. The Rev. Dr. T. DeWitt Talmage attempted to inject a religious issue into the contest by opposing Kernan in the *Christian at Work* and urging the coöperation of all Protestants against him. Murphy's friends thought that if the nomination could be made by secret ballot they would have a large vote among the countrymen who disliked Tammany, and in the caucus on January 15 John C. Jacobs, Murphy's manager, bitterly attacked Kelly for dictation, but his pleas were overridden and a *viva voce* vote ordered. This ended Murphy's hopes; for the weak-kneed malcontents did not care to be counted openly against the new Governor

and Tammany. Kernan received 77 votes in the caucus and Murphy 9, while a single vote was cast for John T. Hoffman by Assemblyman Scudder of Cattaraugus, a brother-in-law of Fenton. The Republicans had talked of nominating Dix, and two days before the caucus the *New York Times*<sup>1</sup> said that he would receive the compliment beyond doubt, but after having also talked of supporting William A. Wheeler they finally cast their votes for Edwin D. Morgan. There had been some fear that the anti-Tammany Democrats might fuse with the Republicans to reëlect Fenton, and unwelcome as the combination would have been to the Republicans they might have preferred him to a Democrat intent on promoting Tilden's ambition. Kernan's overwhelming victory in the caucus, however, made any such scheme futile, and he was elected Senator on joint ballot by 87 votes to 68 for Morgan and 1 (Scudder's) for Hoffman. Jeremiah McGuire of Chemung was made Speaker.

In his annual message Tilden presented a masterly review of the State's affairs and made many recommendations for reform, especially for the protection of the treasury, for the punishment of frauds, and the recovery of stolen money, and the Legislature responded to his demands in the main but failed to carry out his plan for an expert examination into the disposition of the unprofitable canals.

Proceedings of General Sheridan in the Kellogg-McEnery fight for control of the Louisiana State gov-

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<sup>1</sup>January 13, 1875.

ernment, which culminated in the invasion of the legislative chamber and the removal of Democratic members by Federal troops, aroused intense indignation in the north, which was not confined to Democrats. A great public meeting, held in New York on January 11 to protest against Sheridan's acts, was presided over by August Belmont, and Mayor Wickham, William Cullen Bryant and William M. Evarts spoke. Tilden took advantage of the situation to place before the Legislature a message on the southern question, which helped to crystallize Democratic sentiment and make him its national exponent.

The Governor meanwhile was studying the canal contracts. The canal ring, like the Tweed ring, had been the subject of much denunciation and many charges. Some proceedings had been taken from time to time, but specific proofs sufficient to break up the whole combination had not yet been forthcoming. As in the case of Tammany, Tilden did not strike till weapons that assured victory had been placed in his hands. They were placed there by Horatio Seymour.<sup>2</sup> State Treasurer Raines had already shown that millions of dollars were squandered on repairs. The expenditures were, he declared, such as "must have covered a towing path of marble, a canal bottomed in cement, lock-gates of steel, and a Commissioner in brass."<sup>3</sup> Early in 1875 Horatio Seymour sought his aid to get the proofs of fraud from the records, and these, when obtained, he

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<sup>2</sup>Editorial of Joseph O'Connor in Rochester *Post-Express*, October 5, 1885. Statements of Thomas Raines to the writer.

<sup>3</sup>Before the canal committee of the Assembly, March 20, 1873.

submitted to the Governor. Tilden thought first of letting the movement start in the Legislature or through Raines in the Canal board, but at the latter's suggestion the Governor was led himself to put the subject before the State in a special message. This message of March 19 contained the results of a thorough study of more than one hundred contracts with comparisons made by Elnathan Sweet, afterward State Engineer, whom the Governor employed, of the work paid for with that actually done. Tilden showed that in the five years ending September 30, 1874, the canal receipts were \$15,058,361.75, while the ordinary repairs and operating expenses were \$9,202,434.23, leaving an apparent surplus of \$5,855,927.52. The extraordinary disbursements, however, amounted to \$10,960,624.84, leaving a real deficit of \$5,104,697.32, which, added to the State's payments on the canal debt, made the total burden on the taxpayer in the five years over \$11,000,000. He also showed that on ten contracts the State had paid \$1,560,-769.84, though the contracts, according to the specifications on which they were originally let, would have come to only \$424,735.90. The Governor exposed the method by which this fraud was accomplished.

The engineer, for instance, specified 100 cubic yards of vertical wall and 3,855 cubic yards of slope wall. A bid \$3.00 a yard for the vertical and \$1.50 a yard for the slope wall, making his total bid \$6,082.50. B, the favored bidder with advance knowledge, offered to build the vertical wall at \$6.00 and the slope at 30 cents a yard, making his total bid \$1,756.50, apparently the lower offer. After he had received the contract the

quantities were changed, all the slope wall was cut out, and he received \$6.00 a yard for 3,955 cubic yards of vertical wall, or \$23,730.<sup>4</sup> This scheme of specifying small quantities, for which favored contractors made excessively high bids, and then increasing the high-priced work, had been systematically employed.

The Governor asked that a new letting of contract be required by law on any change of plan or specifications, that the Canal board receive power to discard any bids showing bad faith, that steps be taken to enforce accountability of officers, and that the frauds be investigated. The investigation was authorized and for it he appointed John Bigelow, Daniel Magone, Alexander E. Orr, and John D. Van Buren. As a result of their reports, H. D. Denison and James J. Belden, the bipartisan contracting firm of Syracuse, were sued to recover fraudulent payments amounting to \$150,337.02 for work never done, and were arrested on an attachment; ex-Canal Commissioner Alexander Barkley, Canal Appraiser Thaddeus C. Davis, George D. Lord (a son of Jarvis), Lewis J. Bennett, and William H. Bowman were arrested for conspiracy to defraud the people out of \$36,855, and George D. Lord was indicted for bribery in connection with canal claims while a member of the Legislature. Other minor indictments were found and Francis S. Thayer, auditor of the Canal department, was suspended for holding up drafts and then purchasing them at a discount from the despairing holders.<sup>5</sup> He subsequently resigned.

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<sup>4</sup>Charles Z. Lincoln, *Messages from the Governors*, VI, p. 788 *et seq.*

<sup>5</sup>Appleton's *Annual Cyclopaedia*, 1875.

All but two of the principal persons indicted were Democrats, a fact which greatly strengthened faith in the sincerity of the campaign.<sup>6</sup> In December, 1877, the State obtained judgment against Belden, Denison & Company for \$387,000, but in December, 1879, this judgment was reversed. Belden meantime had been elected Mayor of Syracuse and for many years was active and successful in politics and business. George D. Lord was convicted of bribery, but in October, 1877, his conviction was reversed under the statute of limitations. Nevertheless, though the efforts at recovery and punishment came to little, the canal ring was broken and its operations stayed.

These revelations gave Tilden great prestige with cities along the line of the canal. The Republicans were divided between the impulse to treat the whole matter as a political game or to seek credit by coöperating in the reforms. Some represented Tilden as a self-seeker who did not attend at the formation of the Committee of Seventy, or come out against Tammany until others had made sure of its downfall, or proceed against the canal ring until political capital was certain to be gained. Wiser Republicans, however, whatever they thought of Tilden, saw that the tide had turned and that the party could no longer defy the reform sentiment either on State or national issues.

Conkling was in Europe and did not attend the State convention at Saratoga on September 8. It fell to George William Curtis, who presided, to lead the party into the paths of conciliation. The platform was in

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<sup>6</sup>Bigelow's *Life of Samuel J. Tilden*, II, p. 263.

many respects a reversal of the Conkling attitude. It favored a forbearing policy toward the south and sought to allay the feeling aroused over Sheridan's invasion of the Louisiana Legislature by declaring for a firm refusal to use the military power except for clear constitutional purposes. It commended honest efforts to correct abuses, and urged that the canal offenders be punished and that the Governor should remove all delinquent officials. "Recognizing as conclusive the President's public declaration that he is not a candidate for renomination," the convention took strong grounds on the principle of no third term, perhaps without stopping to think that its principle would have been just as sound if the President's declaration had not opened the way for it. The convention also sought to make a reform ticket and offered the nomination for Comptroller to John Bigelow, the Republican member of the Canal Investigation commission, but he declined as did William H. Robertson and George R. Babcock of Buffalo. Then Francis E. Spinner, ex-Treasurer of the United States, was drafted. Frederick W. Seward, the son and trusted assistant of the great Republican leader, was nominated for Secretary of State, and Edwin A. Merritt, a Liberal Republican, for Treasurer.<sup>7</sup>

The Democrats met at Syracuse on September 15 and reaffirmed their national platform of 1872 and their

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<sup>7</sup>The ticket was: Secretary of State, Frederick W. Seward, New York; Comptroller, Francis E. Spinner, Herkimer; Treasurer, Edwin A. Merritt, St. Lawrence; Attorney-General, George F. Danforth, Monroe; State Engineer, Oliver H. P. Cornell, Tompkins; Canal Commissioner, William F. Tinsley, Wayne; Prison Inspector, Benoni J. Ives, Cayuga.

State platform of 1874. John Morrissey appeared from New York City with a delegation representing an anti-Tammany organization, which was soon to crystallize into the Irving Hall Democracy, but it was thrown out. Tilden met the attempt of the Republicans to participate in reform by annexing Bigelow, the Republican representative on the investigating commission who had just declined a Republican nomination, and running him on the Democratic ticket for Secretary of State. He also selected Lucius Robinson for Comptroller and Charles S. Fairchild, who had been engaged in the canal prosecutions, for Attorney-General.<sup>8</sup>

The Liberals held their State convention at Albany on September 22. One element, led by Cochrane and Charles Hughes of Washington, wished to be neutral, while the followers of F. A. Conkling and Archibald M. Bliss of Brooklyn favored indorsement of the Democrats. A compromise declaration was finally adopted that condemned the national administration, praised Tilden, and announced that as the Liberal principles were now substantially recognized by both the Democrats and Republicans of the State, the party did not think it necessary to nominate a State ticket, but urged Liberals to support honest men who would "earnestly and efficiently coöperate with Governor Tilden in his work of administrative reform."<sup>9</sup>

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<sup>8</sup>The ticket was: Secretary of State, John Bigelow, Ulster; Comptroller, Lucius Robinson, Chemung; Treasurer, Charles N. Ross, Cayuga; Attorney-General, Charles S. Fairchild, New York; State Engineer, John D. Van Buren, New York; Canal Commissioner, Christopher A. Walruth, Oneida; Prison Inspector, Rodney R. Crowley, Cattaraugus.

<sup>9</sup>New York Tribune, September 23, 1875.

Conkling returned from Europe in time to make a vigorous and brilliant campaign. He dwelt on the past record of the Democracy on questions of war and finance, and blamed it for the canal frauds, which Conkling, perhaps with his brother-in-law, Seymour, in mind, declared were discovered not by Tilden but "by those who yet have received little credit for it."<sup>10</sup> He commended Tilden's work of reform, but assailed him for the attempt to make political capital out of the investigation as shown by his use of Bigelow for partisan purposes. Enthusiasm for the word reform, associated with Tilden's name, was, however, too strong to be overcome. The Republicans in addition carried the heavy burden of the whiskey frauds in the Treasury department at Washington, and of their southern policy's fruition in Louisiana. Bigelow won the election by 14,810 plurality, receiving 390,211 votes to 375,401 for Seward, and 11,103 for George Dusenberry, Prohibitionist. Robinson's plurality over Spinner was 13,549. The Republicans won the Legislature, electing 20 Senators and 71 Assemblymen. The Democrats had 12 Senators and 57 Assemblymen. Again Husted became Speaker.

In New York City, Kelly met with signal defeat. Morrissey carried his war against Tammany into Tweed's old district, where he became a candidate for the Senate, though the normal Tammany majority was 11,000. His followers were commonly called the "Swallow-tails," because Morrissey, to satirize Mayor Wickham's requirement that visitors' cards be sent to

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<sup>10</sup>Speech at Albany, October 18, 1875.

him before he saw them, had visited City Hall in the day time in evening dress. They carried on a turbulent campaign against Kelly's "Short hairs" and with the aid of the Republicans elected Morrissey to the Senate and cut down the Tammany majority in every part of the city. Tilden, who was already on the eve of a break with Kelly, could contemplate with complacency Tammany's local failure so long as he was able to seize a victory in the State. All possibility of rivalry in his own party was dissipated, and at the same time the Republicans were left to face the struggle for New York in the Presidential campaign with gloomy forebodings.

## CHAPTER XIV

### CONKLING AND TILDEN SEEK THE PRESIDENCY

1876

**I**N his annual message to the Legislature of 1876, which was really an address to the country, Tilden outlined his Presidential platform. He gave special attention to Federal finances, reviewing at length public and private extravagances growing out of the war and advocating a prompt resumption of specie payment and strict economy in Federal expenditures. To win southern favor and at the same time get away from the party's war record he assumed that the southern States had accepted the result of the struggle and argued that they should therefore be free from the menace of military force. He also told the south that the Federal fiscal system retarded its industrial recovery. His ambition was, however, by no means unobstructed at home. Kelly was now in opposition and allied with the friends of Judge Church. Seymour was only half-hearted and intimated that New York ought not to go into the national convention making any demands of her sister States. Tilden disarmed him as a possible rival by publicly offering at a dinner table to support him, safely counting on the Oneida sage's

refusal to be an open candidate.<sup>1</sup> He was also able to make Kelly an unwilling follower in his train. Kelly had imperative local interests to conserve by the exclusion of Morrissey's rival organization from recognition in the State convention, which met at Utica on April 26 with John C. Jacobs presiding. There Morrissey's delegation was excluded as the price of unanimous instructions for Tilden and the application of the unit rule to the State's delegation. Senator Kernan, Lieutenant-Governor Dorsheimer, Henry C. Murphy, and Abram S. Hewitt were chosen delegates-at-large.

The Tammany organs continued to attack Tilden as

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<sup>1</sup>In a reminiscent talk to the staff of the Brooklyn *Eagle* at the celebration of its sixtieth anniversary, October 27, 1901, St. Clair McKelway related the following anecdote, for which the writer is indebted to his nephew, the late Alexander J. McKelway:

"Samuel J. Tilden in some respects mentally resembled William H. Seward. I shall only tell one incident in a long acquaintanceship with Tilden. It occurred at his table in Albany, when he was Governor, in the latter part of the winter of 1876. Among the other guests were Horatio Seymour, John Bigelow, John Swinton, and the father of the late Eugene Schuyler, of diplomatic fame.

"Mr. Tilden said to Mr. Seymour: 'I want you to go to the St. Louis convention at the head of the New York delegation, to be temporary and permanent chairman of that body, and to be nominated and elected President of the United States. You shall have the support of my administration, of my influence, of my friends, and of my fortune in your candidacy.'

"I was amazed beyond measure, for I knew that Mr. Tilden wanted the nomination himself.

"Mr. Seymour declined the proposition with many gracious words, and soon after went to the house of his sister, with whom he was sojourning.

"At bedtime that night I said to Mr. Tilden: 'Governor, I inwardly trembled when you made that offer to Mr. Seymour lest he should accept it.'

"Neither adopting nor repelling my intimation against his sincerity, Mr. Tilden, in the slyest possible manner, leaned over and whispered in my ear:

"'I knew he wouldn't; I knew he wouldn't; you can always safely offer in the strongest terms anything to a man that you know he won't accept.'

"Whether that was a mask of comedy or a key to character, I know not."

a man who had gained vast wealth by wrecking and reorganizing railroads,<sup>2</sup> and sneered at his reforms, which so far had not resulted in any considerable recovery from or punishment of canal or Tammany thieves. Tilden, however, had made a name to conjure with. A well organized and well financed propaganda spread the idea through the south and west that he was the one hope of success, and against this confidence the arguments that John Kelly and Augustus Schell circulated among the delegates who met at St. Louis on June 27 were of no avail. The bold and skillful manœuvres of Dorsheimer defeated the attempts of Indiana and Ohio to substitute a frankly inflationist platform for the declarations prepared by Manton Marble and approved by Tilden, which the New Yorkers had carried through the committee on resolutions.<sup>3</sup> He talked boldly of frankly facing the issue of hard or soft money. At the same time the plank calling for the repeal of the law fixing January 1, 1879, for the resumption of specie payments enabled the inflationists to tell their followers that the party was against resumption, while the hard money men could attribute criticism of the fixed future date to a desire for immediate resumption.

Tilden's friends organized the convention with Henry Watterson as temporary chairman, behind whom stood John C. Jacobs, an adroit Tilden agent, to prompt the chair on parliamentary questions. Francis

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<sup>2</sup>New York *Evening Express*, June 22, 1876.

<sup>3</sup>William C. Hudson, *Random Recollections of an Old Political Reporter*, pp. 56-59.

Kernan presented Tilden's name to the convention. On the first ballot as cast before changes he failed by 87½ votes of the necessary two-thirds, receiving 404½. Thomas A. Hendricks received 140½, Winfield S. Hancock 75, William Allen 54, Thomas F. Bayard 33, and Joel Parker 18. He was nominated on the second ballot by 534 votes, while Hendricks had 60, Hancock 59, Allen 54, Bayard 11, Parker 18, and Thurman 2. Thomas A. Hendricks was nominated for Vice-President without opposition.

New York's candidate for the Republican nomination found no such smooth sailing. The Republican State convention to elect delegates was held at Syracuse on March 22, with George G. Hoskins acting as temporary and George Dawson as permanent chairman. Conkling's friends talked of instructions under the unit rule as a matter of course. He had the support of the Grant administration, but the *New York Times*, which had been the administration organ, turned against him. *Harper's Weekly* declared him intolerable to the independent elements, who were inclined to think that a reform Democrat might be better than a Republican representing a low tone of political morality, and even indulged in insinuations against his professional character.<sup>4</sup> The Conkling managers, in the face of the growing opposition, modified their resolution of instruction, modestly presenting Conkling as a champion of equal rights and financial honesty and the State's choice for President.

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<sup>4</sup>*Harper's Weekly*, March 11, 25; April 8, 1876.



FRANCIS KERNAN

Francis Kernan, senator; born in Wayne, N. Y., January 14, 1816; was graduated from Georgetown college, District of Columbia, in 1836; studied law in Utica, N. Y. and was admitted to the bar in July, 1840; reporter of the court of appeals of New York, 1854-1857; member of state assembly, 1861; elected to the 38th congress and served from March 4, 1863 to March 3, 1865; defeated by Roscoe Conkling for the 39th congress; member of the state constitutional convention, 1867-1868; democratic and liberal candidate for governor of New York in 1872 and defeated by John A. Dix; United States senator, 1875-1881; defeated for reëlection by Thomas C. Platt; regent of the university of the state of New York, 1870-1892; died in Utica, N. Y., September 7, 1892.





JAMES WILLIAM HUSTED

James William Husted, politician; born in Bedford, Westchester county, N. Y., October 31, 1833; graduated from Yale, 1854; admitted to the bar, 1857; school commissioner of Westchester county, 1858-1860; deputy state superintendent of insurance, 1860-1862; harbor master of the port of New York, 1862-1870; state commissioner of emigration, 1870-1872; major general of the national guard, 1873; president of the New York state military association, 1875-1876; member of assembly, 1869-1892; speaker, 1874, 1876, 1878, 1886, 1887-1890; delegate to republican national conventions from 1872 to 1892; died at Peekskill, N. Y., September 23, 1892.



George William Curtis, who supported Benjamin F. Bristow, the Secretary of the Treasury and the favorite of the reformers because of his attack on the whiskey ring despite the scarcely disguised hostility of the President, refused on his arrival in Syracuse to accept this compromise. With the aid of A. Barton Hepburn he first made a fight upon the rules designed to shut off debate. Then he offered on the floor of the convention a substitute for the Conkling indorsement, reciting that while the convention would rejoice with pride if the candidate should be from among the Republicans of national reputation in New York, yet it recognized that the nomination should be the result of untrammeled debate and was willing to leave the selection to the patriotic wisdom of the national convention, "to secure one whose character and career are the pledge of a pure, economical, and vigorous administration of the government."<sup>5</sup> Declaring that plain words were best, he presented the reformers' view in an eloquent speech, challenged the truth of the assertion that Conkling was the choice of New York Republicans, and frankly said that the country recognized Conkling as the "representative of those influences—justly or unjustly it is not for me to say, but it is in your hearts to know,—would recognize him as the representative of those influences which the party in many of its parts deplores." Elbridge G. Lapham and Clarence A. Seward replied, and on this issue 250 delegates supported Conkling, 113 stood with Curtis, and 69 failed to vote. A. B. Cornell, Andrew D. White, Theodore M. Pomeroy, and James

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<sup>5</sup>New York *Times*, March 23, 1876.

M. Matthews were chosen delegates-at-large to the national convention which was to meet in Cincinnati on June 14. White did not attend the convention, and his place was taken by his alternate, the Rev. Henry H. Garnett.

Conkling had the New York delegates, but he clearly did not have the united sentiment of New York Republicans back of him. The desire for something beside the choice of evils led to a movement organized by William Cullen Bryant, Theodore D. Woolsey, Alexander H. Bullock, Horace White, Carl Schurz, and Henry Cabot Lodge for a conference in New York City on May 15,<sup>6</sup> which issued an address that foretold an opposition to the Republicans if they nominated either Conkling or Oliver P. Morton of Indiana, who also was regarded as an exponent of Grant's methods. Bristow was the favorite of this group, while Governor Rutherford B. Hayes of Ohio, who had made a reputation for good administration and for his courageous fight against William Allen in defense of hard money, was an acceptable "dark horse." A similar movement confined to New York resulted in the formation of the Republican Reform Club, whose membership included Joseph H. Choate, William L. Strong, Dorman B. Eaton, Henry L. Burnett, Francis C. Barlow, Julien T. Davies, James C. Carter, John Jay, and Theodore Roosevelt, the father of President Roosevelt. On June 6 in an address to the national convention it said: "If you neglect to prove by your resolutions and your

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<sup>6</sup>Circular in possession of writer, dated April 6, 1876.

nominations that the flagrant decay of official faith and integrity which has occurred during the present Federal administration is not the fault of the Republican party itself, but of unfaithful servants, whom now, upon the first opportunity since 1872, you are eager to depose, our solemn conviction is that your proceedings will impel the people to put the Democratic party into power."<sup>7</sup>

The popular favorite at Cincinnati was James G. Blaine. He would doubtless have been nominated but for the charges of combining public duties and private speculation in a way that, if not intentionally dishonest, was at least in bad taste. He faced investigation of these charges just before the convention, meeting them effectively if not convincingly, and then might have succeeded had not a sudden and dangerous attack of illness awakened doubt of his ability to endure the labors of the campaign. Nevertheless, his enthusiastic friends, inspired by the eloquence of Robert G. Ingersoll, were prevented from stampeding the convention only by an adjournment after the presentation of names. The temporary chairmanship went to Conkling's friend, Theodore M. Pomeroy, and General Woodford presented the New York Senator's name to the convention. George William Curtis seconded the nomination of Bristow. On the first ballot Blaine had 285, Bristow 113, Morton 124, Conkling 99, Hayes 61, Hartranft 58. New York gave 69 votes for Conkling, the sole dissenter being Curtis, who voted for Bristow. His other votes were 8 from Georgia, 7 from North Carolina, 3

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<sup>7</sup>New York *Times*, June 7, 1876.

each from Texas, Virginia, and Florida, 2 from Nevada, and 1 each from California, Michigan, Mississippi, and Missouri. Conkling's first vote was his highest, and his support gradually melted until on the sixth ballot he had 81, while Blaine had 308 and Hayes 113. On the seventh ballot, when the bulk of the anti-Blaine vote concentrated on Hayes, New York dropped Conkling without formal withdrawal of his name and gave Hayes 61 votes and Blaine 9. The Blaine men were W. H. Robertson and James W. Husted of Westchester, Jacob Worth of Kings, John H. Ketcham of Dutchess, Jacob W. Hoysradt of Columbia, James M. Marvin of Saratoga, Stephen Sanford of Montgomery, Amos V. Smiley of Lewis, and James C. Feeter of Herkimer. The convention wanted a New Yorker for Vice-President. The State's delegation presented General Woodford, but from outside the State came the call for William A. Wheeler, who disliked Conkling and had always refused alliance with him in New York politics. Thomas C. Platt presented Woodford's name on behalf of New York. Luke P. Poland of Vermont named Wheeler, who showed such strength on the vote that the roll-call was discontinued and the nomination was made unanimous.

The Cincinnati platform with its declaration for civil service reform and continuous and steady progress to specie payment, was everywhere hailed as a triumph of the better elements in the Republican party. The favorable impression was strengthened by Hayes's letter of acceptance, which was stronger than the platform in its utterances on civil service reform, honest money,

and conciliation toward the south. Tilden's letter, on the other hand, which carefully argued the need of preparation before resuming specie payment, ignoring all the preparations of the Resumption act, disappointed sound money men. The *New York Tribune*, which had been friendly to Tilden, turned to Hayes, and Whitelaw Reid wrote to Bigelow rejoicing in the fact that both parties had made high-class nominations, but saying that he was exceedingly sorry that the St. Louis platform and the nomination of Hendricks shut him up to the support of Hayes.<sup>8</sup> William Cullen Bryant was personally favorable to Tilden, but the *Evening Post*, of which he owned half, supported Hayes.<sup>9</sup> Schurz and his friends accepted the result at Cincinnati as a substantial compliance with the demands of the address of May 15.

The Liberal Republicans were divided, but most of their leaders went back into the Republican party. The national committee on May 9<sup>10</sup> issued a call for a convention in Philadelphia on July 26, but on July 20, pursuant to the power vested in him, the chairman, Ethan Allen, cancelled the call and announced that after consultation with the committeemen the Liberal Republicans indorsed Hayes as the logical result of the Liberal movement.<sup>11</sup> The New York Liberals, led by John Cochrane and Benjamin F. Manierre, met at Saratoga on August 23, the same day as the Repub-

<sup>8</sup>Bigelow, *Letters and Memorials of Samuel J. Tilden*, II, p. 439.

<sup>9</sup>Bigelow, *Letters and Memorials of Samuel J. Tilden*, II, p. 445.

<sup>10</sup>*New York Tribune*, May 9, 1876.

<sup>11</sup>*New York Tribune*, July 21, 1876.

licans, declared for Hayes, and were received in the Republican convention. F. A. Conkling said that the job to secure a Hayes indorsement was put up clandestinely,<sup>12</sup> and with the encouragement of Bigelow<sup>13</sup> the dissenters met<sup>14</sup> and advised "all true Liberals of the country to cordially support the St. Louis nominees as the best method of lifting the country out of the ruin that threatens it."

Cornell was slated for Governor by the organization, but the reformers proposed William M. Evarts, and so much enthusiasm was aroused over the program that Cornell withdrew after vainly waiting the arrival of Conkling at the convention in Saratoga on August 23. Warner Miller was temporary and John M. Francis permanent chairman. In the face of the movement for Evarts, whose name was placed before the convention by Curtis, and the candidacy of Robertson, who was now particularly distasteful to Conkling because of his switch to Blaine, the organization reluctantly threw its strength to Edwin D. Morgan and nominated him on the first ballot. He had 242 votes to 126 for Evarts, 24 for Robertson, and 18 for Martin I. Townsend. Cornell inadvisedly allowed himself to be made a candidate for Lieutenant-Governor, which only succeeded in emphasizing the unpopularity of the machine and drawing the fire of Curtis and Senator William B. Woodin of Cayuga. Theodore M. Pomeroy, the candi-

<sup>12</sup>Unpublished letter of August 14, 1876, to D. D. S. Brown, in the possession of the writer.

<sup>13</sup>Unpublished letter of August 2, 1876, to D. D. S. Brown, in the possession of the writer.

<sup>14</sup>At Saratoga, August 23, 1876.

date from Woodin's county, suffered in consequence, and the nomination went to Sherman S. Rogers of Erie, who received 240 votes to Pomeroy's 178.<sup>15</sup> The platform arraigned Tilden for pushing through the State law making taxes payable in gold after January 1, 1879, while he called for the repeal of the pledge to resume specie payments throughout the country. It also attacked Tilden's professed economies and said that the lower taxes were due to the Republican payment of debts, not to any reduction of expenses.

The Democrats waited for Tilden to select their candidate for Governor, but long waited in vain. To a visitor who urged upon him a decision and quoted the proverb, "Never put off till to-morrow what can be done to-day," Tilden made the characteristic reply: "Yes, never put off till to-morrow what can be done to-day, but never decide to-day what can be decided to-morrow."<sup>16</sup> Dorsheimer, who believed he had Tilden's promise of the nomination, came back from St. Louis perhaps too consciously proud of his services there. Meeting Tilden at the railway station, he was received with a chilling, almost contemptuous air, which he attributed to mischief-making gossip.<sup>17</sup> When the Democrats met at Saratoga on August 30, they were still in the dark. Dorsheimer, as a recent convert, was unpopular with old-time Democrats, who talked of Clarkson N. Potter.

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<sup>15</sup>The ticket was: Governor, Edwin D. Morgan, New York; Lieutenant-Governor, Sherman S. Rogers, Erie; Canal Commissioner, Daniel C. Spencer, Livingston; Prison Inspector, Charles W. Trowbridge, Kings; Judge of the Court of Appeals, George F. Danforth, Monroe.

<sup>16</sup>Remark to Dr. Talcott Williams.

<sup>17</sup>Hudson, *Random Recollections of an Old Political Reporter*, p. 61.

Marble was a receptive candidate, but Seymour's friends could not forget the "Change of Base" editorials of 1868, which he would not or could not explain. Lucius Robinson excited no enthusiasm. Senator James F. Starbuck of Watertown, an able lawyer and staunch supporter of Tilden, had some following, but he was generally regarded as too narrow a partisan, despite his record as a "War Democrat," to make any popular appeal. Tilden did not attend the convention, and Kernan was expected at the last moment to bring his instructions. But when Kernan arrived he had no revelations. Edward Cooper left New York with the expectation that his brother-in-law, Abram S. Hewitt, would be nominated, but on the train his attention was drawn to the constitutional requirement of a five-years' residence. Hewitt had recently lived in New Jersey, so he had to be abandoned.<sup>18</sup>

In the convention, after resolutions had been adopted indorsing the St. Louis platform and the State platform of 1874, and denouncing the use of troops at elections, Dorsheimer's name was presented, apparently as the final determination of the leaders. The indiscretion of his spokesman, who pictured him as true to the principles of that great reformer, Martin Luther, did not commend him to the favor of a Democratic convention.<sup>19</sup> Calls from the floor for a "Democrat" threatened the Tilden managers with a stampede to Potter. At this point, by the engineering of John Morrissey, Seymour's name was sprung on the conven-

<sup>18</sup>Statement of Dr. Talcott Williams, who was on the train.

<sup>19</sup>Hudson, *Random Recollections of an Old Political Reporter*, pp. 63, 64.

tion and received with great enthusiasm. Although he had telegraphed to Kernan saying that because of ill health he could not be a candidate, he was nominated by acclamation, and a committee headed by Lester B. Faulkner was appointed to visit him. The committee went to Utica and received from Seymour a positive refusal. At midnight Seymour telegraphed his refusal to the president of the convention, but the message was not made public. Ex-Mayor Spriggs of Utica telegraphed Faulkner for the convention to go on and complete its work. On the strength of this, Faulkner assumed that Seymour would accept, and the next morning reported that "under the extraordinary conditions attending the nomination Governor Seymour feels constrained to obey the wishes of the people who have so often honored him."<sup>20</sup> With these assurances the convention nominated Dorsheimer for Lieutenant-Governor, completed its ticket, and adjourned. On September 2 Seymour made his declination final and formal, and the convention had to reassemble on September 13. Meanwhile Tilden consolidated his lines, left Dorsheimer to his fate, and had Robinson nominated by acclamation. He also substituted Seymour for John Kelly as head of the Electoral ticket.<sup>21</sup>

In the spring the Greenbackers had hoped to control the Democratic organization. They held a meeting at Syracuse on March 15, protested against the Tilden

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<sup>20</sup>New York *Tribune*, September 1 and 2, 1876.

<sup>21</sup>The ticket was: Governor, Lucius Robinson, Chemung; Lieutenant-Governor, William Dorsheimer, Erie; Canal Commissioner, Darius A. Ogden, Yates; Prison Inspector, Robert H. Anderson, Kings; Judge of the Court of Appeals, Robert Earl, Herkimer.

Democratic platform as a surrender to corporate interests, and pronounced the paper currency platform of 1868 genuine Democratic doctrine. Under their call a convention held in New York City on June 1, claiming to be the only authorized representative of Democracy, elected delegates who sought admission to the St. Louis convention. After the nomination of Tilden they joined the National Greenback party, which had nominated Peter Cooper of New York for President and Samuel F. Cary of Ohio for Vice-President, and on September 26 at Albany nominated R. M. Griffin for Governor. The Prohibitionists nominated Green Clay Smith of Kentucky for President, Gideon T. Stewart of Ohio for Vice-President, and William J. Groo for Governor.

## CHAPTER XV

### THE DISPUTED ELECTION

1876-1877

TILDEN made a campaign of unprecedented thoroughness in his own State. He had his personal representatives in every school district, and the attitude of each individual voter was taken account of so far as it could be ascertained. Marble's platform with its catchwords was sown broadcast. Notwithstanding Tilden's failure to deal as satisfactorily as Hayes with either the financial or the civil service reform question and the attacks upon him as a railroad manipulator, an income-tax dodger, and a southern sympathizer, the Republicans found it hard to counter the criticism of specific abuses, such as Belknap's corruption and the whiskey ring frauds, for which they were responsible. Nor could they diminish his prestige as the nemesis of Tweed and the canal ring by questioning the result of his reforms or protesting that the decrease in the State budget coincident with his term was not his work but theirs. Conkling took little part in the campaign because of ill-health, but his one speech arraigning the Democracy brought from Tilden a letter pledging the enforcement of the constitutional amendments and opposition to the payment of southern

claims, which Abram S. Hewitt, the national chairman, hastened to publish lest the candidate's characteristic caution should lead on second thought to its suppression.<sup>1</sup>

Tilden carried New York by 32,742 plurality, receiving 521,949 votes. The Republicans received 489,207, the Prohibitionists 2,359, and the Greenbackers 1,987. Robinson was elected Governor by 35,460 plurality, receiving 519,831 to 484,371 for Morgan, 3,412 for Groo (Prohibitionist) and 1,436 for Griffin. The Republicans, however, elected 17 of the 33 Representatives in Congress and 71 of the 128 Assemblymen, enabling them to elect George B. Sloan Speaker. Two constitutional amendments were also submitted, one establishing a Superintendent of Public Works, which was carried by 533,153 to 81,832, and one establishing a Superintendent of State Prisons, which was adopted by 530,224 to 80,358. Kelly and Morrissey harmonized their differences in New York City and united in support of Smith Ely for Mayor, who was elected by 54,069 plurality over John A. Dix, the Republican candidate, a plurality 100 larger than that which Tilden received in New York City.

The reform sentiment that carried Tilden to victory in his own State swept Connecticut, New Jersey, and Indiana and gave him 184 Electoral votes, only one less than a majority, without counting the votes of South Carolina, Florida, and Louisiana and one vote in Oregon, which were in dispute.

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<sup>1</sup>Rhodes, *History of the United States*, VII, p. 223.

"Visiting statesmen" of both parties rushed south to supervise the count. Charges of fraud were rife on both sides. The Republicans controlled the election machinery in the three southern States and used the canvassing boards of Florida and Louisiana in more than a ministerial capacity to throw out Democratic votes on the ground of intimidation and fraud. Intimidation and fraud had undoubtedly been used in large measure for the suppression of the negro vote, but the Republicans went to extremes in rejecting votes on slight evidence—sometimes it would seem on general principles. On the other hand, Democrats were accused of trying to buy the votes of these States.

The subsequent discovery and publication of the famous cipher dispatches justified this charge. These telegrams, along with others that passed between political managers of both parties, were obtained from the Western Union Telegraph Company by a Congressional committee in 1877 and came into the New York *Tribune's* possession after they had supposedly been returned to the company and destroyed. No one could make anything out of them until John R. G. Hassard of the *Tribune* staff and Colonel W. M. Grosvenor, who had come from St. Louis and entered the service of the same journal, worked out the keys to the ciphers and the *Tribune* published the translations in 1878.<sup>2</sup> These showed that Marble, in Florida, had been in communication with William T. Pelton, Tilden's nephew, who dwelt in Tilden's house, about the purchase of votes in that State. Marble telegraphed on November 22:

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<sup>2</sup>New York *Tribune*, beginning October 8, 1878.

"Have just received proposition to hand over a decision of board and certificates of Governor for \$200,000." Pelton thought this too much and Marble suggested that one Elector could be had for \$50,000. Pelton wanted to defer payment until after the Elector had voted. Marble's final reply on December 5 was: "Proposition failed. Tell Tilden to saddle Blackstone." Tilden had a horse named Blackstone. Perhaps this was a hint to prepare for private life, perhaps to resort to law in the count. Smith M. Weed telegraphed from South Carolina, saying that the majority of the board could be secured for \$80,000 and asking to have the cash sent in three parcels to Baltimore. Pelton met Weed in Baltimore without the money and started for New York to get it, but it was then too late. These revelations confirmed the impression already made by the few Oregon cipher dispatches that the committee had before succeeded in translating. J. N. H. Patrick telegraphed to Pelton from Oregon asking for \$10,000 to buy one Republican Elector, and Pelton replied: "If you will make obligation contingent on result in March it will be done." Patrick said this would not do. Then on January 1, 1877, \$8,000 was deposited to his credit, but that also was too late.

Tilden before the Potter committee denied all knowledge of these telegrams or of any cipher dispatches. Marble, who had just published "A Secret Chapter of Political History," full of highly moral reflections on corruption in the count, was in a sad plight. He protested that his telegrams were merely reports of the situation and of the offers made by corrupt men. Weed

admitted his part as a plan of fighting fire with fire, and Pelton testified that he had expected to get the money from Edward Cooper. Cooper said the demand for \$80,000 to be sent to Baltimore was his first knowledge of the scheme, that he immediately informed Tilden, who put a stop to the negotiation.<sup>3</sup> Without doubt politicians around Tilden were ready to buy the election if they could, and justify themselves on the claim that the Republicans were using their power fraudulently, but there was no proof that Tilden himself was a party to this. On the contrary his whole attitude seemed to be that calmness and a quiet insistence on the rights of the House of Representatives in the count would insure his election.

The votes of all three southern States for Hayes were transmitted under certificates of Governors of the States. The question in Oregon turned on the ineligibility of a deputy-postmaster named Watts, one of the three Republican Electors. The Democratic Governor gave a certificate to Cronin, his highest Democratic opponent. The undisputed Republican Electors refused to act with Cronin, but accepting the resignation of Watts, who had meanwhile left the post office, they exercised their power to fill vacancies in their number by electing him, and cast their votes for Hayes. Cronin proceeded to appoint two associates and they cast one vote for Tilden and two for Hayes. The Electoral commission later refused unanimously to recognize Cronin or his appointees.

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<sup>3</sup>Bigelow, *Life of Tilden*, II, pp. 182, 286; *Testimony in Relation to Cipher Telegraphic Dispatches*, pp. 200, 274.

In this crisis the result depended on the method of counting the votes in Congress. Republicans put forth the theory that the President of the Senate had the power to decide the validity of any return. The Democrats, harking back to the joint rule of 1865, held that no vote could be counted except with the concurrence of both houses, and as they controlled the House of Representatives acceptance of that plan meant the election of Tilden. Feeling ran high on both sides, no agreement on procedure seemed possible, and civil war was even talked of. Neither side, however, was prepared to push matters to this extreme. George William Curtis eloquently expressed the feeling of the great body of followers of both Hayes and Tilden when, before the New England Society in New York on December 22, he said: "The voice of New England, I believe, going to the capital, would be this, that neither is the Republican Senate to insist upon its exclusive partisan way, nor is the Democratic House to insist upon its exclusive partisan way; but Senate and House, representing the American people and the American people only, in the light of the Constitution and by the authority of the law, are to provide a way over which a President, be he Republican or be he Democrat, shall pass unchallenged to his chair."<sup>4</sup> A joint committee was appointed to agree on the method of counting the votes, which on January 18, 1877, reported the Electoral commission bill. It provided for a commission composed of five Senators, five Representatives, and five Justices of the Supreme Court, to

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<sup>4</sup>Cary, *Life of Curtis*, p. 249.



CARL SCHURZ

Carl Schurz; born in Liblar, Germany, March 2, 1829; pursued classical studies; came to the United States in 1852 and located at Philadelphia, Pa.; moved to Watertown, Wis., in 1855; studied law and was admitted to the bar; unsuccessful candidate for lieutenant governor of Wisconsin; engaged in the practice of law in Milwaukee; delegate to the Chicago convention of 1860; appointed minister to Spain in 1861 but soon resigned; appointed brigadier general of volunteers in the union army; engaged in newspaper work after the war in St. Louis, Mo.; delegate to the Chicago convention of 1868; elected as a republican to the United States senate and served from March 4, 1869 to March 3, 1875; secretary of the interior in the cabinet of President Hayes; editor of New York Evening Post, 1881-1884; contributed to Harper's Weekly, 1892-1898; president of national civil service reform league, 1892-1901; died in New York City, May 14, 1906.





#### WILLIAM L. STRONG

William L. Strong, last mayor of New York City previous to the formation of Greater New York; born in Richmond county, O., March 22, 1827; drygoods salesman in Worcester and later in Mansfield, O.; went to New York City in 1852 and engaged in similar business; elected mayor of New York City and served from 1895 to 1898; republican in politics and elected on a fusion ticket with anti-tammany indorsement; died, New York City, 1900.



which should be submitted for decision any question that might arise as to the validity of any return, and its decision should stand unless rejected by the concurrent vote of both houses. The Republican Senate named three Republicans and two Democrats, the House three Democrats and two Republicans. Four Supreme Court Justices—Clifford and Field, Democrats, Miller and Strong, Republicans—were named in the bill, and they were authorized to select a fifth Justice. It was generally understood that David Davis, an Independent, was to be the fifth Justice, but on the day after the Senate passed the bill Democrats and Independents in the Illinois Legislature elected Davis to the United States Senate. He declined to sit on the commission, and the place was filled by Justice Bradley, a Republican.

Tilden's own course in the controversy was weak and lacking in leadership. He did not approve of the Electoral commission plan, but urged that only by the House standing firm could the Democrats get accessions in the Senate. Yet he was overborne by Bayard and Thurman and the southern Senators. In the Senate 26 Democrats and 21 Republicans favored the plan and 16 Republicans and 1 Democrat opposed it. The vote in the House was: For, 160 Democrats, 31 Republicans; against, 60 Republicans, 17 Democrats. The retirement of Judge Davis was a great disappointment to the Democrats, but it came too late for them to draw back without confessing that the plan, which they favored more than the Republicans, was based on the expectation of Davis's support. They were also dis-

pointed that Conkling did not serve on the commission. He had taken an active part in passing the bill at the special request of the President and made the greatest speech in its favor. His biographer says that he declined to serve, but it was generally believed at the time that the Republicans left him off because they were afraid of him.<sup>5</sup> He was understood to believe that the vote of Louisiana rightfully belonged to Tilden, and up to the last it was expected that he would speak in opposition to counting it for Hayes, but he absented himself when the Louisiana vote was taken. On the vital questions submitted to it, the commission by a vote of 8 to 7 favored the Republicans, though Bradley on some questions voted with the Democrats. Bradley as the final arbiter of the issue has been much criticised, but he doubtless sought to discharge his difficult task with judicial impartiality. The Democrats were overmatched in the presentation of the case by William M. Evarts, the chief Republican counsel, who, dealing with all the States, laid down consistent principles of decision skillfully calculated to impress the mind of Bradley, the only member of the commission who was expected to forget his predilections. The count was completed on the morning of March 2 and Hayes was declared to have 185 Electoral votes and Tilden 184.<sup>6</sup>

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<sup>5</sup>Rhodes, *History of the United States*, VII, p. 263.

<sup>6</sup>This chapter attempts merely a brief summary of events involving New York men and having a bearing on New York politics. For a more complete account of the contest see Rhodes, *History of the United States*, VII, ch. xliv.

## CHAPTER XVI

### FACTION RENDS BOTH PARTIES

1877

THE policy of President Hayes soon put him at odds with the Republican organization in New York. He refused to honor its initial draft for the appointment of Thomas C. Platt to the Post Office department,<sup>1</sup> which was made in an effort to sidetrack Evarts. He offered the English mission to George William Curtis, who declined,<sup>2</sup> and sent Bayard Taylor, then of the *Tribune* staff, to Germany. Evarts, the Secretary of State, was everywhere honored as a great man and a great lawyer, but he was of no use to the politicians. Carl Schurz, the Secretary of the Interior, was even more actively disliked by them. The withdrawal of Federal support with the consequent collapse of the last survivals of radical government in the southern States, was resented as a betrayal of the party, a desertion of the blacks, and an abandonment of the whole scheme of reconstruction.

Even more bitterly did the politicians resent the President's efforts to carry out his civil service reform

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<sup>1</sup>New York *Tribune*, February 28, 1877; Williams, *Life of Rutherford Birchard Hayes*, II, pp. 24 and 235.

<sup>2</sup>Cary, *Life of Curtis*, p. 253.

pledges. As early as 1865 Thomas A. Jenckes of Rhode Island had proposed in Congress to establish a merit system of appointments. In 1871 Congress authorized the President to prescribe regulations for appointment and promotion, and under this authority Grant appointed a commission headed by George William Curtis to make rules and apply tests, but thereafter Congress refused to make appropriations for the work. Without waiting for further legislation, Hayes attempted by Executive action to reform the service, appointing Dorman B. Eaton Civil Service Commissioner. He established a system of competitive examinations for certain places and forbade office-holders to take active part in political campaigns, though he did not forbid them to vote or express their views on public questions provided their acts did not interfere with their public duties. He also forbade assessments for political purposes, and on June 22 issued an Executive order making the rule applicable to all departments and telling officers that they were expected to conform to it. Some of the President's own appointments, particularly the rewards bestowed on "visiting statesmen" who had helped him in the canvassing of the southern votes, and his failure to remove some notoriously bad officials, somewhat discredited his efforts. The attacks upon his title by Democrats, with which many Republicans sympathized, also injured his prestige.

Nevertheless the better elements of the community approved of his efforts and looked to see the Republican organization coöperate with him. This Conkling had no intention of doing. Hayes's nomination had been

Conkling's failure. The New Yorker had honest doubts about his election. He was a radical on southern questions and the inheritor of the traditions of New York politics, which sanctioned the ruthless use of spoils for party purposes under the stern discipline of party leaders. Later his antagonism grew and he came in conversation to speak contemptuously of the President as "that fraud in the White House."<sup>3</sup>

Hayes attributed Conkling's attitude to personal disappointment and to an egotism that led him to measure fidelity to party duty and country by his own desires and to betray his party repeatedly when he could not control it. In his diary recording Conkling's death in 1888, Hayes wrote that Conkling's fidelity to supporters and skill in flattery, with an impressive presence and manner, were his chief points, and added: "After I went to Washington and after the delivery of the inaugural, he was profuse in admiration of my opinions and course—*this to me personally*—until the announcement of my cabinet, when he became hostile, never again calling on me. We never spoke with each other afterwards. He wanted Platt for Postmaster-General. *That* was the condition of his support."<sup>4</sup>

The State chairman, Cornell, who was also Naval Officer of the Port of New York, in calling the Republican State convention together at Rochester on September 26, with an emphasis significant in view of

<sup>3</sup>Conversation in 1879 with General William T. Sherman and D. D. S. Brown, repeated by the latter to the writer. See also George F. Hoar, *Autobiography*, II, p. 44.

<sup>4</sup>Williams, *Life of Rutherford Birchard Hayes*, II, p. 235.

the President's order to office-holders, remarked that he was acting in accordance with the custom that had always prevailed in Republican State conventions. But it was left for Thomas C. Platt, temporary chairman, proudly professing to represent what he then called "the old guard," to reveal the organization's bitterness toward the President. He sneered at civil service reform as a "shibboleth" put before "a nauseated public" by "Pecksniffs and tricksters," and he made scarcely veiled reference to Secretary Evarts as a "demagogue." Conkling's more subservient followers applauded the speech, but many who were by no means partisans of Hayes considered it in bad taste, and the feeling it had aroused was evident when, after the committee on organization had reported Conkling for permanent chairman, the Senator declined and moved the continuation of Platt, who, he said, had "occupied the chair thus far with the acceptance of us all." The motion was carried, but only by a vote of 311 to 110 after Forster of Westchester had made a ringing speech calling attention to the impropriety of Platt, who had been a candidate for Postmaster-General, vilifying the administration from which he had sought favors and the New Yorker preferred to him for the cabinet.

The platform as reported did not indorse the administration. It took no square issue with the President's southern policy, but somewhat equivocally expressed the hope that it would result in tranquillity and justice. It declared squarely, however, against the President's order excluding public servants from politics and turned against the President his own declaration in his

letter of acceptance that an "officer should be secure in his tenure so long as his personal character remained untarnished and the performance of his duty satisfactory," and suggested legislation giving to officers a fixed term and making them removable only on charges openly preferred and adjudged. This would, of course, prevent any such restriction of political action as Hayes had prescribed. The platform also pointed out that there were 7,465 Federal officers in the State, and their exclusion from political action would amount to practical disfranchisement of a great body of citizens.

The friends of the President considered this platform a challenge, and George William Curtis responded with an amendment reciting that Hayes's title was as clear and perfect as George Washington's and commending his efforts for the pacification of the southern States and for correction of abuses in the civil service.<sup>5</sup> He supported this resolution in one of his most powerful speeches. He contrasted Platt's bitter remarks with the organization's talk of harmony. The party had announced its principles and it could not fail to commend the agent who was carrying them out without shaking the confidence of the country. He analyzed the abuses of the spoils system and defended the President's order as intended to restore to the great body of Republicans their rights, not to invade those of anybody else.

Conkling replied by a speech of unexampled bitterness, in which he poured out his long accumulated resentment against Curtis. Curtis had challenged his

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<sup>5</sup>New York Tribune, September 27, 1877.

right to New York's indorsement for the Presidency and had been the only New Yorker to vote against him through all the balloting. He had gone upon the platform of the convention to voice the demand for a reform candidate. In *Harper's Weekly* he had in article after article analyzed Conkling's record to show him unfit for the nomination. He had contrasted Conkling's opposition to Grant's nomination of a reformer like Rockwood Hoar to the Supreme Court with his championship of "Boss" Shepherd for Commissioner of the District of Columbia and Caleb Cushing for Chief-Judge. He had even gone so far as to hint that if Conkling were nominated a light would be turned on his "professional relations to causes in which he was opposed to attorneys virtually named by himself, before Judges whose selection was due to his favor."<sup>6</sup>

Notwithstanding the fact that State conventions had frequently indorsed national administrations, as Curtis pointed out, Conkling said that the purpose of the convention was to nominate candidates and the national administration was not a candidate. The silence of the platform was not to be construed as an attack on Hayes. "Who are these men," he asked, "who, in newspapers or elsewhere, are cracking their whips over me and playing schoolmaster to the party? They are of various sorts and conditions. Some of them are the man-milliners, the diletanti and carpet-knights of politics, whose efforts have been expended in denouncing and ridiculing and accusing honest men. . . . Some of these worthies masquerade as reformers.

<sup>6</sup>*Harper's Weekly*, March 11, 1876.

Their vocation and ministry is to lament the sins of other people. Their stock in trade is rancid, canting self-righteousness. They are wolves in sheep's clothing. Their real object is office and plunder. When Dr. Johnson defined patriotism as the last refuge of a scoundrel he was unconscious of the then undeveloped capabilities and uses of the word reform."<sup>7</sup>

He declared that Hayes deserved the same support that other administrations had received. When he was right he should be sustained, when he was wrong dissent should be expressed. The matters suggested by the amendments were not pertinent to the day's duties, and they were obviously matters of difference. The convention should put contentions aside and complete its tasks. After complimenting Platt, whose speech had scarcely made for harmony, Conkling turned upon Curtis, classed him with "man-milliners" and "carpet-knights," and denounced him with great severity and sarcasm for the attack on his personal integrity in "the journal made famous by the pencil of Nast."

Curtis, writing of the speech to Charles Eliot Norton, said: "It was the saddest sight I ever knew, that man glaring at me in a fury of hate and storming out his foolish blackguardism. I was all pity. . . . No one can imagine the Mephistophelean leer and spite."<sup>8</sup> Many of Conkling's own friends were filled with consternation. Charles E. Fitch, editor of the Rochester *Democrat and Chronicle*, in his leader the next morning expressed the criticism that was in the minds of

<sup>7</sup>A. R. Conkling, *Life of Roscoe Conkling*, p. 538 *et seq.*

<sup>8</sup>Cary, *Life of George William Curtis*, p. 258.

many organization Republicans, and Conkling so resented it that he pronounced Fitch a traitor<sup>9</sup> and broke friendship with him, as he did with many other men who tried to work with him without becoming his blind followers. Nevertheless the speech was considered by all one of Conkling's greatest oratorical efforts and ranks among the political classics of that period. His manner of delivery made it all the more striking, as when, speaking of the "man-milliners," he pointed a finger directly at Curtis.

Curtis's amendment was voted down, 295 to 105, and the next day a half attended convention without opposition nominated a State ticket headed by John C. Churchill for Secretary of State.<sup>10</sup>

Governor Robinson displayed in his administration the hard-headed independence that had made him feared as Comptroller. He was a sound lawyer, direct and forceful, a strict economist, and a moralist of severe character. In his first message he spoke plainly about the extravagance of the State government and vigorously denounced the waste and grandiose design of the State Capitol, on which, though it was not half finished, twice as much had been spent as the completed building had been expected to cost. He also incorporated into the message a legal argument written by Tilden on the proper method of counting the Electoral votes.<sup>11</sup> He

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<sup>9</sup>Alexander, *Political History of the State of New York*, III, p. 376.

<sup>10</sup>The ticket was: Secretary of State, John C. Churchill, Oswego; Comptroller, Francis Sylvester, Columbia; Treasurer, William L. Bostwick, Tompkins; Attorney-General, Grenville Tremain, Albany; State Engineer, Howard Soule, Onondaga.

<sup>11</sup>Rhodes, *History of the United States*, VII, p. 247.

found himself at odds with the Legislature, which failed as it had done in 1876 to reapportion the State in accordance with the census of 1875, and he vetoed the New York City charter, which he thought contained many excellent features, partly because it was passed by a Legislature in which New York City was not adequately represented. The Governor also had difficulties in getting his appointments confirmed, most conspicuously in the case of General McClellan, who was nominated for the new position of Superintendent of Public Works but rejected by the Republican Senate on the ground that he was not a competent and economical administrator and that, moreover, he was not a resident of the State.

The Legislature passed a bill allowing women to vote in school elections and hold school offices, but Robinson vetoed it, asserting that it went too far or not far enough; that if they were competent to administer the schools they were competent for the less difficult work of Supervisors and Justices of the Peace. He thought that voting was not the proper work of women and that moreover the extension of limited suffrage to them was unconstitutional.

Tilden's loss of the Presidency encouraged Kelly to an attack upon his leadership. Robinson's policy had not commended itself to Tammany, and both Bigelow and Fairchild, who were receptive candidates for renomination, were obnoxious to the canal ring. Kelly determined to defeat them and thus become the master of the party. Against Fairchild he had a particular grievance, growing out of the Tweed case. Tweed had

offered to give evidence to enable the city to recover its stolen money, on condition of release. For months, pending the settlement with Sweeney, Fairchild held the offer in suspense, but knowledge of it probably induced Sweeney to raise his bid for immunity; for neither he nor others who had not been exposed wanted to see Tweed on the stand. After the settlement Fairchild rejected Tweed's advances. This Kelly considered a breach of faith.<sup>12</sup> The *New York Times* thus put the issue between them: "If the Democrats renominate Mr. Fairchild they will simply accept his policy of compounding with thieves. . . . If a nominee of Kelly is placed in the field, he will be put up with a tacit agreement that he would release Tweed."<sup>13</sup>

When the State convention met at Albany on October 3, the Tilden forces were on the face of things in control. By 19 to 14 in committee they forced the selection of David B. Hill for temporary chairman over Clarkson N. Potter. John Morrissey for the last time led a contesting delegation against Kelly from New York City. This shut Tammany from a voice in the preliminary organization, but Kelly cunningly arranged contests in Tilden counties to counteract his losses. Still everything depended on the committee on credentials, the appointment of which by custom so much belonged to the chair that Hill might have refused to put the motion to take the power from him and been sustained by the convention, but he hesitated and riot broke loose. Kelly's spokesman, John D. Townsend, attacked Mor-

<sup>12</sup>Townsend, *New York in Bondage*, pp. 115-151.

<sup>13</sup>*New York Times*, September 21, 1877.

rissey in unmeasured terms, and Kelly also had the support of such popular figures in Democratic conventions as George M. Beebe, DeWitt C. West, and William Purcell of the Rochester *Union and Advertiser*. Morrissey replied that though he had been a prizefighter he had sought to repair the errors of a wild youth. "No one, not even Tweed, who hates me, ever accused me of being a thief," he said, pointedly contrasting himself with Kelly, who had been so accused by Mayor Havemeyer. On the roll-call Tammany mustered 169 to 114 votes and Tilden's control of the Democracy was broken. The roll was revised to suit Kelly, and Clarkson N. Potter was made permanent chairman.

The platform paid the tribute to Tilden of denouncing his defeat as due to fraud, and even gave a compliment to Robinson, pledging a Democratic Legislature to follow the honest and fearless Chief Magistrate in reform. It mildly commended Hayes for withdrawing the troops from the south and denounced the Republicans for failure in two Legislatures to make an apportionment. Kelly asserted himself not in the platform, but in the candidates. With the aid of the canal ring he put up Allen C. Beach instead of Bigelow, and nominated Augustus Schoonmaker, Jr., in place of Fairchild. True to the *Times's* prediction, Kelly when Schoonmaker was in office asked for Tweed's release, which was promised after the adjournment of the Legislature. But Tweed died on April 12, 1878, before the plan could be carried out. For Comptroller, Kelly

named Frederic P. Olcott, who had been appointed to the place when Robinson became Governor.<sup>14</sup>

Beach was a man of agreeable bearing and personal respectability, who always had the friendship of the canal ring. Jarvis Lord declared the convention "the first democratic triumph in the Democratic party since 1873. It lets in the old set."<sup>15</sup> This was so clearly recognized that the Tilden men made no pretense of supporting what they regarded as a repudiation of reform. Governor Robinson in a letter to a Tammany meeting failed to mention the Democratic candidates, and Tilden, who had been in Europe with Bigelow in the early autumn while the struggle was going on, declared just before election that any nominations that did not promise coöperation with the reform policy that he had inaugurated and that Governor Robinson was consummating would be disowned by the Democratic masses. Nevertheless Beach was elected by 11,264 plurality, receiving 383,062 votes. Churchill received 371,798. John J. Junio, the Labor Reform candidate, had 20,282 votes, Henry Hagner (Prohibitionist) 7,230, John McIntosh (Social Democrat) 1,799, Francis E. Spinner (Greenback) 997.

Junio's astonishingly large vote reflected the extent of the labor movement that brought about the great railroad riots in July of that year, when Governor Robinson by promptly and courageously calling out the

<sup>14</sup>The ticket was: Secretary of State, Allen C. Beach, Jefferson; Comptroller, Frederic P. Olcott, Albany; Treasurer, James Mackin, Dutchess; Attorney-General, Augustus Schoonmaker, Jr., Ulster; State Engineer, Horatio Seymour, Jr., Oneida.

<sup>15</sup>New York Tribune, October 4, 1877.

National Guard put down disorders in Hornellsville, Elmira, and Buffalo, which might easily have resulted in such destruction and pillage as occurred in Pittsburgh. Olcott, who had the support of many independents anxious to see Robinson's canal policy continued, won by 36,111 votes, and the plurality for Horatio Seymour, Jr., the Democratic candidate for State Engineer, who had the same support, was 35,164. The rest of the Democratic candidates had about the same pluralities as Beach. The Republicans carried 19 Senate districts, while the Democrats carried 12 and the Greenbackers 1. The Assembly stood: Republicans, 66; Democrats, 61; Independent, 1. John Morrissey made his last fight for the Senate and with Conkling's aid won by nearly 4,000 majority over Augustus Schell, Kelly's candidate, but he did not live to take his seat. Conkling's candidates for Senator, on whom he depended for his own reëlection in 1879, were, however, openly cut by Hayes Republicans. In his own Oneida district a personally popular candidate who represented him was beaten by 1,133 votes, although the Republicans carried the county for District Attorney by 2,336 plurality. But Conkling still had a majority of the Senate, which would suffice if he could carry the Assembly a year later. Husted was elected Speaker for his third term.

## CHAPTER XVII

### THE GREENBACK REVIVAL

1877-1878

A FEW weeks before the election of 1877 the President struck back at Conkling by the nomination of the elder Theodore Roosevelt for Collector of the Port of New York and L. Bradford Prince for Naval Officer to succeed Chester A. Arthur and Alonzo B. Cornell, Conkling's most faithful and efficient organizers. A commission headed by John Jay had made an investigation of the customs service, pointed to many abuses, and suggested remedies. Its report was made the basis for the administration's proposal of a change, notwithstanding the fact that Arthur had loyally and effectively coöperated to carry out suggested reforms.<sup>1</sup> Conkling opposed confirmation of what he represented to be merely factional appointments. The President's failure to make any charges against Arthur or Cornell was in sharp contrast with his declaration against removals except for inefficiency. His construction of political activity as necessarily involving inefficiency, found little support in Congress, and when on December 12 the nominations came up they were both rejected by a vote of 32 to 25, all the

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<sup>1</sup>New York *Tribune*, January 28, 1879.



LUCIUS ROBINSON

Lucius Robinson, 28th governor (1877-1879 — three-year term); born at Windham, Greene county, N. Y., November 4, 1810; educated in public schools and Delhi academy; admitted to the bar, 1832; district attorney of Greene county, 1837; master of chancery, New York City, 1843-1847; member of assembly, 1860; state comptroller, 1861-1865 and in 1873; elected governor, 1876; defeated for governor, 1879 by Alonzo B. Cornell; died at Elmira, N. Y., March 21, 1891.



Republican Senators except five, and several Democrats, supporting Conkling. For the moment Conkling and Blaine were brought into coöperation after their long estrangement growing out of Blaine's cruel ridicule of Conkling as the strutting wearer of the mantle of Henry Winter Davis.<sup>2</sup>

The President bided his time until after the adjournment of Congress. Then on July 11, 1878, he suspended Arthur and Cornell and appointed General E. A. Merritt, Collector, and Silas W. Burt, Naval Officer. Roosevelt had died on February 9. Merritt was an able, honest man who had rendered good service during the Civil War, had been driven from the naval office in the day of Conkling's ascendancy over Fenton, and had joined in the Liberal movement but returned to his old party. He had been confirmed without opposition for Surveyor when Conkling defeated Roosevelt. Colonel Burt was one of the pioneers of civil service reform, who was destined as Naval Officer, and later as New York Civil Service Commissioner, greatly to promote the merit system. The appointments were a challenge to Conkling, but he proceeded with astonishing self-restraint, avoiding any offense to the administration all through the campaign of 1878, on which his own future depended.

Governor Robinson and the Republican Legislature continued at odds through the session of 1878, and little of importance was accomplished. Husted was again Speaker. The Republicans continued to neglect their constitutional duty of reapportioning the legislative

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<sup>2</sup>New York Tribune, December 17, 1877.

districts. Conkling sought reëlection with the aid of the next Assembly and had no desire to increase the Tammany delegation. The Governor set his face against the movement that had been long under way for a codification of the laws. One part of the new code had been enacted, and the Legislature of 1877 passed the second part, but it failed among the thirty-day bills. It was passed again in 1878 and this time Robinson vetoed it and urged the repeal of the first part, which had not yet gone into effect. He believed the code would complicate and unsettle legal procedure, which under the old practice had been adjudicated and was well understood. The Governor asked the Senate to remove John F. Smyth, Superintendent of Insurance, on the ground that he had drawn large sums from insurance companies for investigations without the Comptroller's audit.<sup>3</sup> The facts were admitted by Smyth, whose defense was that the act for audit was inoperative for lack of appropriations and that he had proceeded under an earlier law. In his trouble, which he attributed to large insurance companies whose investments he declined to approve, he had the friendship of a host of Republican politicians who remembered gratefully how he had encouraged and guided their early steps in public life and always sought to bring forward young legislators of promise.

The approach of the date for resuming specie payments gave the Greenback movement a new and for a time ominous lease of life. Greenbackism had not been strong in New York when it had been rampant in the

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<sup>3</sup>Message of February 21, 1878.

middle west and when William Allen and Thomas Ewing had led the Democrats of Ohio against hard money. Peter Cooper had polled only 1,987 votes in New York in 1876, and the next year the Greenback vote had fallen to 997. At the same time, however, the vote of the Labor Reform party, which also held inflationist views, showed a growing unrest. Benjamin F. Butler, in Massachusetts, embraced Greenbackism and broke up old party lines. Denis Kearney was carrying on his "sand lots" agitation against the Chinese and for radical labor measures in San Francisco. A large class of debtors, especially farmers, struggling under mortgages on lands whose value had fallen with the panic of 1873, were caught by the appeal for cheaper money. They had little in common with the radical labor element, but when the latter held a convention at Toledo on February 2, 1878, and declared against the resumption of specie payments, a way was opened for the union of these dissatisfied elements into the National Greenback Labor Reform party, which held a convention at Syracuse on July 25.

This meeting was marked by much wrangling, chiefly due to lack of experienced leadership and unity of policy. Several rival labor delegations appeared from New York City and were all excluded, each faction preferring this course to the admission of its rivals to any share in the proceedings. The platform demanded that greenbacks be made full legal tender for all debts, that all bonds be paid in paper money, that the National Banking act be repealed, and that treasury notes should be substituted for the banknotes. It

demanded a Railroad commission to study the cost of transportation with a view to the reduction of rates, a protective tariff, and the prohibition of imports of manufactured articles made from raw materials that were produced in this country. It declared for an income tax on all incomes above \$1,000, for the reduction of official salaries, and for the exclusion of the Chinese. The convention nominated for Judge of the Court of Appeals, the only State office to be filled, Gideon J. Tucker, former Democratic Secretary of State and former Surrogate of New York.

This issue brought the Republicans up with a round turn. They had been in the main for hard money, but many of their leaders had lacked the courage to face the financial delusions that were widespread among their own followers. Even Conkling, whose own convictions on the subject were clear, had been inclined to avoid the controversy, and the Utica *Republican*, which had been established as his organ under the editorship of Lewis Lawrence after his break with Roberts of the Utica *Herald* and maintained an unprofitable existence until he had been reelected to the Senate, held that it was a "mistake to array the Republican party, which originated the greenback, as an exclusively hard money party."<sup>4</sup> When, however, the Maine election showed that the Republicans, though winning, had cast less than 45 per cent. of the vote, instead of nearly 53 as in 1877 or 57 as in 1876, while the Greenbackers polled about 34 per cent. of the vote and cut the Democratic strength almost in two, the Republicans awoke to the

<sup>4</sup>October 1, 1878.

situation and Conkling sought harmony with his old opponents.

At the State convention in Saratoga on September 26, Conkling, in his speech as chairman, put aside his accustomed bitterness toward the President and adopted his position against fiat money. George William Curtis, who was conspicuous for his applause of his old enemy, likewise made a speech whose keynote was harmony and financial honesty. The platform declared: "We insist that the greenback, instead of being dishonored and depreciated, shall be made as good as honest coin." It still expressed adherence to the Conkling theory of civil service reform, with protection of public officers from removal except for incompetence or unfaithfulness, but did so without any offensive expressions. Three candidates were presented for Judge of the Court of Appeals, George F. Danforth of Monroe, who had twice borne the party standard in years of defeat; Joshua M. Van Cott of Kings, a Republican who had already been nominated for the office at the Prohibition convention in Albany on April 24, and G. W. Parsons of Westchester. Danforth was nominated, receiving 225 votes to 99 for Van Cott and 79 for Parsons.

The Democratic convention in Syracuse on September 25 was one of the most turbulent in the party's history. The control of Tilden and Robinson depended on obtaining command of the temporary organization and seating their own contestants. Kelly, who dominated the State committee as the result of his victory in the last convention, forced the nomination of Albert P.

Laning of Buffalo for temporary chairman. Tammany's 63 votes in the convention were contested. So were the seats of the 27 McLaughlin delegates from Kings, who supported Tilden. On the first roll-call a resolution was offered allowing Tammany and the McLaughlin delegation to vote pending the determination of the contests, and the previous question was moved. On this motion the vote of Albany was challenged because there was a contest there, but Laning ruled that, as Albany was not concerned in the question pending, it might properly vote. This implied that New York and Kings, being concerned, would not vote, and the decision was accepted by the Tilden men. The chair also announced that New York and Kings would be passed on the roll-call. But as the progress of the call indicated a Tilden majority, Laning suddenly ordered the calling of New York and Kings, despite the protest of Thomas Kinsella that the Kings delegates did not wish to vote on a question involving their own seats. Tammany, being counted while Kings refused to vote, carried the convention for Kelly by 195 to 154.

Kelly's hold was too precarious for him to risk any attack on Robinson, or any approach to the Greenbackers in the platform, which declared for "gold and silver coin and paper convertible into coin at the will of the holder," indorsed the Governor's administration, and demanded reapportionment. When it came to nominating for Judge of the Court of Appeals the Tilden faction scored an empty victory. They attributed Kelly's seizure of the convention to a deal of the St. Lawrence and Franklin delegations for Tammany

support of William H. Sawyer of St. Lawrence. On the first ballot Sawyer received 150 votes to 54 for George B. Bradley of Steuben, 106 for Samuel Hand of Albany, 18 for George Camp of Tioga, 38 for Calvin Frost of Westchester, and 1 for Gideon J. Tucker of New York. Bradley was not known as a Tilden man, but he was unobjectionable, and in their determination to punish Kelly's rural assistants the Tilden forces concentrated on him and nominated him on the second ballot by 194 votes to 189 for Sawyer.

A few days later Kelly showed his control of the organization by electing as chairman of the State committee William Purcell, editor of the Rochester *Union and Advertiser*, a sturdy, hard-hitting controversialist, who was afterward to show an opposition to Cleveland even more bitter and personal than that which he displayed to Tilden and Robinson. Kelly also chose for secretary of the State committee Henry A. Gumbleton, County Clerk of New York, whose removal from office in the next March was to make irreparable the breach between Tammany and Robinson. But Kelly found his local domination undermined by the union of the Republicans and the anti-Tammany Democratic organizations in the support for Mayor of Edward Cooper, a Democrat, a son of Peter Cooper the philanthropist, and brother-in-law of Abram S. Hewitt, one of Tilden's trusted lieutenants. Tammany nominated Augustus Schell for Mayor, but Cooper was successful.

The chief issue of the campaign was the financial question, and as it proceeded it was clear that the differ-

ences between the Republicans and Democrats were greater than the wording of their platforms might indicate. New York Democrats were less tolerant of inflation than was the party as a whole. Yet their platform was construed to leave a loophole for inflation in the demand for silver as well as gold. Paper convertible into coin might mean convertible into silver, which was not at par with gold. The Republicans were committed to "honest coin," and it was argued they could be trusted better than the Democrats to resume specie payments without taking advantage of the law to inflate the currency indefinitely by reissues.

The *Tribune's* publication in October of the cipher dispatches also damaged the Democrats and spoiled their plan to lay a foundation for the next Presidential campaign. Some of the managers had even hoped to get the question into the courts<sup>5</sup> by taking some private claim bill passed by the Senate, putting it through the House, and sending it to Tilden instead of Hayes. If signed, or left unsigned for ten days, the claimant might then be in a position to sue. The courts were expected to hold the title to the Presidency a political question and refuse to rule on it. Yet a failure to declare absolutely for Hayes as *de jure* as well as *de facto* President, would have been a most effective factor in the campaign. But the revelations of the cipher dispatches made impossible any clear-cut and one-sided issue of fraud.

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<sup>5</sup>Statement of Dr. Talcott Williams, at that time a member of the New York *Sun* staff, associated with the Tilden managers in the Potter investigation. See also Samuel W. McCall, *Life of Thomas Brackett Reed*, pp.65-74.

The October elections showed that courage was worth while in dealing with the financial question. Republican speakers emphasized the issue in New York. Though Dorsheimer and Kelly talked the hard money doctrine to Democrats, many of their followers had been charmed by the Greenback idea, and the election returns showed a vote of 75,133 for Tucker, the Greenback Labor Reform candidate. This was drawn much more largely from the Democrats than from the Republicans. Danforth was elected, receiving 34,661 plurality. The election for Assemblymen resulted in the choice of 98 Republicans, 27 Democrats, and 3 Greenbackers. In the Senate, which held over, there were 19 Republicans, 12 Democrats, and 1 Greenbacker. Conkling's harmony program, with its unwonted curb on his own antipathies, had borne fruit in a Republican majority on joint ballot and a third Senatorial term for himself.

## CHAPTER XVIII

### KELLY DEFEATS ROBINSON

1879

THE Legislature assembled for the first time in the new Capitol in January, 1879, the Assembly meeting in the chamber designed for it while the Senate used the chamber of the Court of Appeals. Thomas G. Alvord was Speaker for the third time. The Governor continued to occupy his old quarters, and because of the pressure of business and eye trouble, which forbade him to endure the strong light, did not attend the ceremonies that marked the transfer of the houses to the new building. It fell to Lieutenant-Governor Dorsheimer to make the principal address. Conkling was reelected to the Senate on January 21 without Republican opposition, by 114 votes to 35 cast by the Democrats for Dorsheimer and 2 for Peter Cooper.

A movement was started in the Democratic caucus to protest the election of a Senator on the ground that there was no *de jure* Legislature because of failure to reapportion the State. The caucus refused to adopt this course, but issued an address asserting that under the census New York and Kings were entitled to three more Senators and ten more Assemblymen than they

had.<sup>1</sup> The Republicans so far heeded the demand as to make a new apportionment, giving New York and Kings counties three new Assemblymen each and taking an Assemblyman each away from Columbia, Delaware, Madison, Oneida, Ontario, and Oswego. They did not give the metropolitan district any greater representation in the Senate, however, though one district in Kings had 292,000 inhabitants and one in New York 235,000, while the population of the Herkimer-Otsego district was only about 89,000 and the Jefferson-Lewis district 90,000. The Governor permitted this measure to become a law without his signature. At this session the legal interest rate was decreased from 7 to 6 per cent. The Governor renewed his charges against John F. Smyth, Superintendent of Insurance, without accomplishing his removal.

Having secured his reëlection, Conkling returned to his fight with the President over the appointment of Merritt to succeed Arthur. The vote on confirmation hung fire until February, when an array of documents was before the Senate setting forth on the one side Secretary Sherman's allegations that Arthur had been neither efficient nor economical, and on the other Arthur's answer denying that he had been neglectful, or that the government had suffered any loss, and showing that he had suggested reforms that had not been adopted.<sup>2</sup> Conkling saw that some of the support that he had had against Roosevelt's confirmation was falling away, and on February 3 moved to recommit

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<sup>1</sup>Appleton's Annual Cyclopedias, 1879.

<sup>2</sup>New York Tribune, January 28, 1879.

the nominations, expecting to throw them over to the next Senate, which was Democratic. This was apparently carried, but when the yeas and nays were demanded Conkling took the floor under the impulse to have in this moment of his success a last fling at Hayes.

He traversed the whole case, riddled the administration's profession of reform, and showed that Arthur had received requests for places from a cabinet officer and even from the staff of the White House itself. He went to such extremes as to lose the sympathy of the Senate, and on the roll-call the motion to recommit was lost and Merritt was confirmed by 33 to 24 and Burt by 31 to 19.<sup>3</sup> Conkling's friends asserted that Democratic Senators had been brought over by hints that appointments that they sought could not be made while the Merritt matter was pending.<sup>4</sup> A correspondent of the *New York Times* thought that if Conkling's speech had been public, its arraignment and ridicule of the administration would have been demolishing to his enemies.<sup>5</sup> Conkling misjudged the effect of such a speech in executive session and unnecessarily invited his own discomfiture.

As the fall campaign approached, the Republican organization showed its determination to nominate Cornell for Governor if possible. Conkling had tried before to nominate him, but without success, and now was more than ever anxious to vindicate him and

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<sup>3</sup>New York *Tribune*, February 4, 1879.

<sup>4</sup>New York *Times*, February 4, 1879.

<sup>5</sup>New York *Times*, February 4, 1879.

reward his faithfulness after his displacement from the custom house. The war between Kelly and Robinson encouraged the Republicans to ignore the elements to whom Cornell was distasteful.<sup>6</sup> Nevertheless, the opening of the Republican State convention at Saratoga on September 3 was harmonious. Conkling was temporary and Vice-President Wheeler permanent chairman. The Democratic attempts in Congress to evade Presidential vetoes by forcing through as riders on appropriation bills various measures aimed against enforcement of the Federal election laws, had aroused Republican wrath. In the Senate Conkling supported the President against such undermining of his prerogative. Before the convention he made a strong speech along the same line, which called forth cordial praise from Curtis and other reformers.

No dispute was aroused by the platform, which was perfunctory in its presentation of State issues but strong in denunciation of the Democratic course in Congress —a course that touched the political situation in New York City closely, because it was intended to deprive the United States Marshals of funds and therefore would operate against the exercise of Federal supervision of elections in the city.

The principal candidates for Governor besides Cornell were William H. Robertson, Theodore M. Pomeroy, Frank Hiscock, and John H. Starin. It was the field against Cornell, who was nominated on the first ballot, receiving 234 votes. Robertson had 136, Pomeroy 35, Hiscock 24, Starin 40, and George B.

<sup>6</sup>New York *Times*, September 1, 1879.

Sloan 1. As 226 votes were necessary to a choice, Cornell's margin was narrow; nothing but clever management by the Conkling forces and the lack of generalship in the opposition carried him to success. The opposition candidates for Governor stood ready to unite on any one of their number who could succeed, but they were all afraid that in attempting to transfer their strength some of their delegates would be picked by Cornell. Moreover, ambition for minor places on the ticket in districts that the opposition expected to control carried votes to Cornell. John F. Smyth, the Albany county leader, had been saved from removal from the Insurance department through the powerful aid of Senator William B. Woodin of Cayuga, who expected him to support Pomeroy; but Albany went for Cornell. A. Barton Hepburn of St. Lawrence was a candidate for Secretary of State, and, in spite of the traditional anti-Conkling attitude of St. Lawrence and Franklin and the efforts of Vice-President Wheeler, who voted for Robertson, the weight of those delegations was thrown to Cornell. But the most surprising desertion was that of George B. Sloan, one of the trusted leaders of the independents and a pledged supporter of Pomeroy. John C. Churchill, of his county, was a candidate for Comptroller, and Sloan, apparently feeling that Cornell's nomination was certain any way, and desiring in his friend's interest to conciliate the majority, sought release from Pomeroy; failing to get it he voted for Cornell without carrying any of his delegation with him. Conkling and Smyth had prevented his election to the Speakership in January, but

Sloan was a personal admirer of Conkling and had eulogized him in the Senatorial caucus.<sup>7</sup> That personal tie and the desire for party harmony may explain an action that greatly reduced the future influence of an able, honest man.

In selecting the rest of the ticket, Conkling made small concession to the converts. George G. Hoskins was nominated for Lieutenant-Governor. Churchill was passed over for James W. Wadsworth, son of the distinguished General James S. Wadsworth who, after being the Union candidate for Governor in 1862, fell in the battle of the Wilderness; while under the plea of giving representation to the old soldiers Hepburn was forced to stand aside for General Joseph B. Carr. Conkling himself made a speech in behalf of Hamilton Ward for Attorney-General, and he was nominated over Colonel Henry E. Tremain of New York.<sup>8</sup>

Although Tammany had overwhelmed the last State convention and seized control of the Democratic State committee, the Tilden forces, under the able generalship of Daniel Manning, the chief owner of the Albany *Argus*, made an effective campaign against Kelly, invaded the State committee, and controlled the temporary organization of the State convention, which met in Syracuse on September 10.

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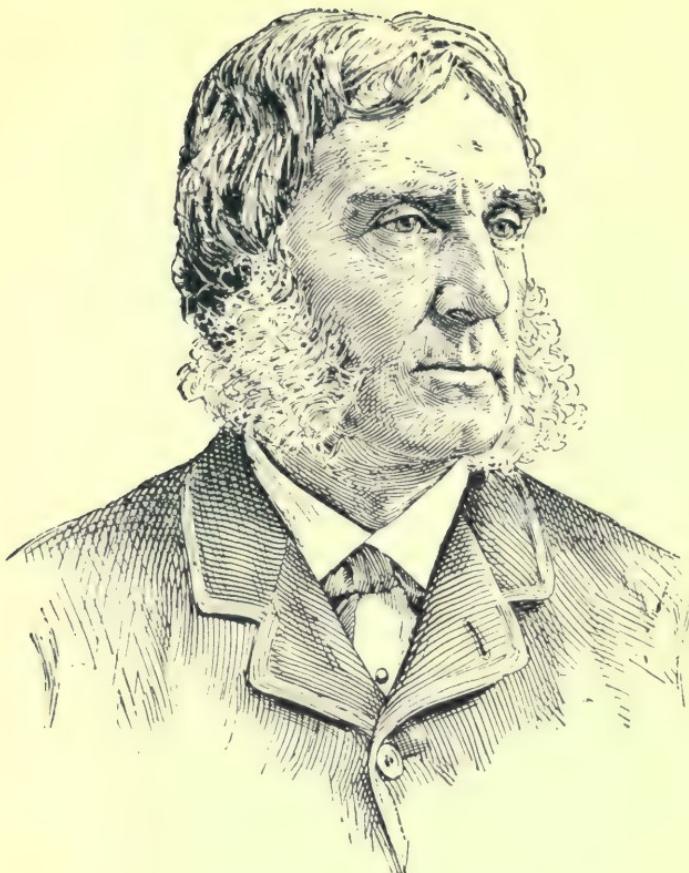
<sup>7</sup>New York *Tribune*, September 5, 1879.

<sup>8</sup>The ticket was: Governor, Alonzo B. Cornell, New York; Lieutenant-Governor, George G. Hoskins, Wyoming; Secretary of State, Joseph B. Carr, Rensselaer; Comptroller, James W. Wadsworth, Livingston; Treasurer, Nathan D. Wendell, Albany; Attorney-General, Hamilton Ward, Allegany; State Engineer, Howard Soule, Onondaga.

Robinson had promised not to seek a second term and was understood to favor Frederic P. Olcott, but when Kelly took the position that Robinson was the one man who must not be nominated the Tilden forces made renomination the issue. Kelly at first had been friendly to Robinson, who signed some of his bills, and had hoped to detach him from Tilden. But when Robinson refused to bring pressure to bear on Attorney-General Fairchild to induce him to release Tweed in return for testimony against Sweeney, which was put aside for what was widely considered a shamefully inadequate compromise with Sweeney, Kelly was disgruntled.<sup>9</sup> Finally in March, 1879, Robinson removed County Clerk Gumbleton for taking illegal fees, though he failed to remove the anti-Tammany Register, Frederick W. Loew, for the same offense, on the ground that he was ignorant of the illegality of the fee schedule fixed by his subordinates. This was considered a distinct avowal of hostility by Kelly, who on August 11 had resolutions adopted in Tammany denouncing Robinson as opposed to the true principles of Democracy. He charged that Robinson had attempted to dictate nominations, had been swayed by personal friendship in dismissing charges against officials, and had sanctioned the removal by Mayor Cooper of a Tammany Police Commissioner and held up similar charges against an anti-Tammany Commissioner. On September 6 a formal manifesto against Robinson followed. At the same time a meeting of anti-Tammany Democrats indorsed Robinson and denounced Tammany for a deal

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<sup>9</sup>Hudson, *Random Recollections of an Old Political Reporter*, p. 89.



GEORGE WILLIAM CURTIS

George William Curtis, editor and orator; born, Providence, R. I., February 24, 1824; joined the Brook Farm colony of which Nathaniel Hawthorne, Margaret Fuller and other distinguished American thinkers of their time were connected in 1842; traveled and studied abroad, 1846-1850; joined staff of the New York Tribune, 1857; delegate to the republican national conventions of 1860 and 1864; delegate at large to the constitutional convention of 1867; appointed in 1871 by President Grant to a committee which should draw up a plan of civil service reform; bolted the Blaine ticket and came out for Grover Cleveland in 1884; died at Staten Island, August 31, 1892.





#### HENRY WARD BEECHER

Henry Ward Beecher, clergyman; born at Litchfield, Conn., June 24, 1813; graduated from Amherst college, 1834; studied theology at Lane seminary near Cincinnati, O., under the tutelage of his father, the Rev. Lyman Beecher; first settled as a Presbyterian minister near Lawrenceburg, Ind., in 1837; removed to Indianapolis where he preached, 1839-1847; called to Plymouth Congregational church, Brooklyn, N. Y., 1847; acquired great reputation as a pulpit orator; withdrew with his congregation from the association of congregational churches in 1882 because of disbelief in eternal punishment; editor of *The Independent*, 1870; charged by Theodore Tilton, his associate editor, with having alienated the affections of his wife, 1874; jury disagreed in damage suit brought by Tilton; became a member of the republican party on its formation and addressed many political meetings; supported Cleveland in the presidential campaign of 1884; died at Brooklyn, N. Y., March 8, 1887.



with regard to New York than with regard to the south. The convention debated these questions ably and conscientiously through the summer, much to the dissatisfaction of Greeley, whose attacks on long speeches and week-end adjournments did much to prejudice the voters. The convention had been directed by the Legislature to present an instrument for submission to the people at the fall election, but it was unable to complete its work in time and on September 20 adjourned over election to November 12.

The convention ended its labors on February 28, 1868, and reported to the Legislature an instrument that removed the property qualification required of negroes under the old Constitution and gave them the franchise in equality with the whites. It sought to deal with canal corruption and centralize administration by abolishing the offices of State Engineer, Canal Commissioner, and Canal Appraiser, and giving the Governor power to appoint a Superintendent of Public Works and four assistants for five-year terms. It provided for a Court of Claims of three Judges to be appointed by the Governor. It left the election of Judges with the people, but in deference to the strong sentiment manifested in the convention in favor of the practice that had prevailed before 1846, it provided that the question of appointing Judges by Executive authority should be submitted to the people in 1873. It consolidated the eight general terms of the Supreme Court into four, and, in place of the old Court of Appeals, which consisted of four elected Judges and four Supreme Court Justices sitting with them for short periods, it provided

for a Court of Appeals to consist of a Chief-Judge and six associates to be elected by the people for fourteen-year terms. The term of Justices of the Supreme Court was also extended to fourteen years. The Legislature was reorganized so that the terms of half the Senators, who served four years, should expire every second year, and so that members of the Assembly should be elected by counties instead of districts. Provision was made against the passage of special laws and for the exercise of larger powers by Boards of Supervisors. A two-thirds vote of all the members of each house, instead of two-thirds of the members present, was required to pass a bill over the Governor's veto. The election of the Secretary of State and other State officers was fixed at the same time as that of the Governor. The powers and responsibilities of Mayors were increased, members of Common Councils were forbidden to hold any other office, and special acts for the government of cities were forbidden. A Prison commission of five persons, to be appointed by the Governor and confirmed by the Senate for ten-year terms, was substituted for the Prison Inspectors.

The convention, acting on the theory that it had the power and duty to fix the time and manner of submitting the Constitution, planned to submit the instrument at the general election of 1868 in three parts: The section relating to suffrage for negroes, the Judiciary article, and the rest of the Constitution. The convention, however, in the act providing for the election of delegates had been ordered to prepare a Constitution for submission in 1867. It having failed to do this, the Legisla-

ture assumed the right to fix the time and manner of submission of the proposed Constitution. The Democratic Assembly of 1868 passed an act for its submission in November, but this was blocked in the Republican Senate, and nothing was accomplished at this session except an act that ratified the proceedings of the convention held beyond the time originally fixed, with the saving clause that nothing therein contained should be held to ratify any form proposed by the convention for submitting the Constitution to the people. Not until the next session was legislation secured for submission. The Constitution was voted on at the general election of 1869 and then in four parts, the amendment for equal assessment and taxation being separately submitted, in addition to the three questions proposed by the convention. Then the Judiciary article alone was approved, by a vote of 247,240 to 240,442. The Taxation amendment was lost by 89,448, the Suffrage amendment by 32,601. The rest of the Constitution was rejected by 66,521 majority. This Constitution had many excellent features and anticipated several reforms, which were later adopted, but it was then denounced as a "vast scheme" of centralization and usurpation and was sacrificed to prejudice, to Republican half-heartedness, Democratic hostility, and the political manipulation of Tweed, who had no wish for safeguards against corruption either in State or city.<sup>1</sup>

The struggle between Daniel Drew and Cornelius Vanderbilt for control of the Erie Railroad kept the

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<sup>1</sup>This brief summary of the work of the convention is chiefly based on Charles Z. Lincoln's *Constitutional History of the State of New York*.

Legislature of 1868 in a turmoil. Beginning in 1866, while treasurer of the Erie, Drew had obtained \$3,000,000 of convertible bonds as collateral for loans, and also 10,000 shares of stock issued in exchange for stock of the Buffalo, Bradford & Pittsburgh Railroad, which the Erie had leased. Vanderbilt began to buy stock in the open market, carrying up the price, while Drew sold short a vast quantity of stock at 97. Then he converted his bonds and threw his stock on the market, sending the price to 51. At the annual election of 1867, Vanderbilt unseated Drew from the board of directors, placed one of his own partisans, Frank Work, in it, and made John S. Elbridge, a representative of Boston interests, president. At the same time, Jay Gould and James Fisk, Jr., were admitted to the board and soon allied themselves with Drew to wrest control from Vanderbilt. A supposed Vanderbilt supporter resigned from the directorate and Drew was elected to the vacancy and again made treasurer. The struggle was then taken into the courts. On February 21, 1867, Justice George G. Barnard enjoined the Erie from paying principal or interest on Drew's borrowings as treasurer. Attorney-General Champlain also brought action before Justice Barnard for the removal of Drew from the treasurership, on the ground that he had palmed off a worthless road on the Erie and then exchanged his holdings in it for Erie stock. Barnard suspended Drew as treasurer and director, forbade the issue of any new stock, and ordered Drew to return the 10,000 shares he had obtained by the Buffalo, Bradford & Pittsburgh transaction, and the 58,000 shares he had

acquired by converting bonds. In retaliation Drew obtained an order from Justice Ransom Balcom of Binghamton suspending Frank Work from the directorate and staying all other proceedings. Then Vanderbilt shot back with an order from Barnard forbidding the Erie directors to transact any business without Work's participation. Vanderbilt was still buying stock and Drew continued to issue and convert bonds into stock and furnish it, regardless of the courts. Other Judges with conflicting orders were dragged into the case, and Drew, Gould, and Fisk took refuge in Jersey City.

Then the struggle came before the Legislature, and the whole transaction was investigated by a Senate committee, appointed March 6, 1868, consisting of Senators Pierce, Bradley, Mattoon, Chapman, and Humphrey. The last two signed a report on April 1, which sustained the Erie officials, held that the securities had not been issued in willful violation of law, and favored legalizing the acts of the directors. A majority reported that Drew had issued bonds for his own personal gain and that Fisk and Gould were probably interested with him. They favored an act making the fraudulent issue of securities or the conversion of proceeds a felony. Senator Mattoon, who had been in close conference with Drew and had agreed to the minority report the day before it was made, was openly charged with having sold out to Vanderbilt. The fact that, after the committee had been agreed on to consist of three persons, it had been increased to five on Mattoon's motion and he became one of the additional

members, gave color to the charge that he had sought the committee and acted on it for personal profit. The Senate passed a bill in line with the minority report and Mattoon again swerved and voted for it. The Assembly first defeated the bill to legalize the acts of the Erie directors. At this point Assemblyman E. M. K. Glenn of Wayne charged that an attempt had been made to purchase his vote in favor of the Vanderbilt interests. An investigating committee was immediately appointed, and after some delay Glenn said that the would-be briber was Alexander Frear, a member of the investigating committee. But his testimony was entirely inconclusive. Other testimony suggested that Glenn, having scented money in the air, had asked his colleagues about it and had been directed to Frear as a joke. At any rate it appeared that Frear had not sought him, but had been summoned by others to meet him, and so the committee reported that the charges were unjustified. Drew and Vanderbilt in the meantime reached a compromise. The action of the Erie directors was legalized, all litigation withdrawn, and Gould and Fisk became masters of the road, which they proceeded to loot with the aid of the Tweed ring. Tweed and Peter B. Sweeney, who had before acted for Vanderbilt, entered the Erie board, and Justice Barnard likewise transferred his allegiance and, together with Justice Cardozo, made the courts the instrument of Gould's manipulations.<sup>2</sup>

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<sup>2</sup>For detailed accounts of the Erie war and its relation to politics see Charles Francis Adams's *Chapters of Erie*; John D. Townsend's *New York*

The talk of corruption was so widespread that a Senate committee consisting of Matthew Hale, Francis S. Thayer, and Asher P. Nichols was appointed on April 10 to investigate bribery in the Legislature. During the next ten months it took much testimony and reported on March 10, 1869, that it found no proof of actual bribery of any Senator, but it did find payment of large sums by Erie officials to outsiders to be used corruptly for promoting the railroad legislation of 1868. The committee severely criticized the "utter recklessness" of newspaper charges about legislative corruption. It took pains to insure publicity for Erie expenditures intended to secure newspaper support, but was quite unable to find any corruption reaching Senators, even Mattoon. The money stopped with the lobbyists, some of whom received it on false pretenses of influence. The committee recommended an act, which was passed, exempting from prosecution the giver of an accepted bribe so as to secure testimony of corruption, and also making it an indictable offense for any officer of a corporation to use its money for corrupt purposes.

Many complaints of corruption, growing out of the contract system of canal repairs, came before the Legislature. The Assembly impeached Canal Commissioner Robert C. Dorn as the result of investigations made by a select committee appointed the year before, but on the trial before the Senate and the Judges of the Court of Appeals in May Dorn was acquitted by a

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*in Bondage*, ch. ii; *Senate Documents*, 1868, Vol. V, and 1869, Vol. V; and Homer L. Stebbins's *Political History of the State of New York, 1865-1869* (Columbia University thesis), ch. x.

vote of 8 guilty to 20 not guilty. Attempts were also made to place the canal work in the hands of a superintendent. The Republican Senate, however, after a conference had agreed on a bill abolishing the contract method, defeated the measure. This failure of reform tended to make a political issue of corrupt government. The next Democratic State convention indorsed the Assembly bill, while the Republicans indulged in generalities on economies and probity, but the subject was lost sight of in the excitement of the Presidential campaign.

## CHAPTER VI

### GRANT AND SEYMOUR

1868

THE widespread reaction toward the Democratic party in 1867 presented a serious problem for the Republicans in the Presidential campaign. General Grant's name was naturally before the public from the close of the Civil War. In this State, as early as March 1, 1866, the Republican city convention of Rochester unanimously indorsed Grant for President. This movement was organized by D. D. S. Brown, whose newspaper, the Rochester *Democrat*, of March 2, said:

"We are proud that this city is the first in the land to set the ball in motion. It will roll through the land from the shores of Ontario to the coasts of the Gulf of Mexico and over the mountains and plains to the Atlantic on the one hand and the Pacific on the other, gathering size and strength as it goes and sweeping all obstacles from its path. General Grant is in sympathy with Congress and the Republican party on the great questions of the day. His nomination is a safe and sound one. Few candidates could be trusted to undergo the ordeal of a two years' campaign. Grant is one of the few. We can depend on his judgment and reticence. He will write no foolish letters, make no disgusting speeches. He will harmonize and reconcile all factions and draw to our standard multitudes of good and quiet citizens who care little for parties and are not concerned about platforms but who want to see the government in honest, strong, and wise hands."

Nevertheless, Grant's report on southern conditions in 1865 and his "swinging 'round the circle" with Johnson in 1866 filled the radicals with distrust. This was not lessened by the action of the Republican general committee of New York City, under the domination of Thurlow Weed and the conservatives, in presenting Grant's name on July 23, 1867, or by Johnson's selection of Grant for Secretary of War when he suspended Stanton in August, 1867. In October Greeley in the *Tribune* forcibly objected to the movement, and in November said: "General Grant we esteem by no means a great man, nor even a great general."<sup>1</sup> But Grant's refusal to hold possession of the war office after the Senate declined to concur in Stanton's suspension and his subsequent controversy with the President brought the radicals to his support and assured him long before the national convention a unanimous nomination. The Republican State convention met in Syracuse on February 5, 1868, to select delegates to Chicago. The Fenton forces were in control and made Luther Caldwell temporary and Charles H. Van Wyck permanent chairman. The conservative organization from New York City made their usual demand for representation and left the hall when the convention invited them merely to seats on the floor. Major-General Daniel E. Sickles, Lyman Tremain, Charles Andrews, and D. D. S. Brown were chosen delegates-at-large and were instructed to support Grant for President and Fenton for Vice-President.

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<sup>1</sup>New York *Tribune*, October 15, 1867, and November 17, 1867.

The national convention assembled at Chicago on May 20, and nominated Grant by a unanimous vote. But the anti-Fenton men, led by Charles J. Folger and Richard Crowley, who had been overwhelmed at Syracuse by the tactics of Caldwell, Van Wyck, and Ben Field, made their voice heard at Chicago among the delegates from other States, though their influence was largely discounted by Fenton's circular showing that most of them had supported Hoffman for Governor. The northern States were divided, other candidates for Vice-President being ex-Governor Andrew G. Curtin of Pennsylvania, ex-Vice-President Hannibal Hamlin of Maine, Senator Benjamin F. Wade of Ohio, Senator Henry Wilson of Massachusetts, and Speaker Schuyler Colfax of Indiana. It took six ballots to nominate. Fenton, whose name was presented by Lyman Tremain, started second on the first ballot with 126 votes against 147 for Wade, gaining up to 144, and ending on the sixth ballot second with 69 votes against 541 which nominated Colfax, and 38 which still stood by Wade. Fenton had the solid vote of New York under a unit rule instruction, and almost two-thirds of his remaining strength came from southern States.

The Democratic State convention, at Albany on March 11, was entirely non-committal as to candidates and principles. Seymour spoke for a complete opportunists' policy and Tilden denounced the Republicans for impoverishing the country, centralizing power, paralyzing industry, multiplying taxation, and elevating negroes while degrading the whites. Horatio Seymour, Samuel J. Tilden, Sanford E. Church, and Henry C.

Murphy were chosen delegates-at-large to the national convention, which met in the new Tammany Hall, New York City, on July 4. The chief candidates were Salmon P. Chase, Chief-Justice of the United States, who had been Lincoln's Secretary of the Treasury and had sought to supplant him in 1864; George H. Pendleton of Ohio, who had run for Vice-President on the McClellan ticket in 1864 and who now appeared as champion of the "Ohio idea" of paying off government bonds in greenbacks; and Senator Thomas A. Hendricks of Indiana, who also adopted the "Ohio idea" against the advice of some of his cleverest political friends,<sup>2</sup> who argued that if that policy won Pendleton would be its beneficiary while Hendricks would suffer equally if it failed. General Winfield Scott Hancock was also a candidate, as likewise was President Johnson. Seymour had repeatedly declined to enter the race, and Admiral Farragut had refused to become a rival to Grant. General Francis P. Blair, Jr., of Missouri, might have been seriously considered if he had not put himself on record in a letter declaring that the reconstruction work of Congress was unconstitutional, and that if the Democrats elected a President he should declare the acts of Congress void and "compel the army to undo its usurpation in the south, disperse the carpetbag State governments, and allow the white people to reorganize their own governments and elect Senators and Representatives."<sup>3</sup>

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<sup>2</sup>*The Rochesterian: Selected Writings of Joseph O'Connor*, I, p. 20.

<sup>3</sup>Letter to James O. Broadhead, *New York World*, July 3, 1868.

Although New York had the chairmanship of the committee on resolutions in the person of Henry C. Murphy, an honest man who opposed any compromise with repudiation, Pendleton's friends had their way and forced a platform saying that all obligations of the government, not payable in coin, ought to be "paid in the lawful money." The New Yorkers, under Tilden's lead, accepted the platform, but were determined not to be led to defeat by Pendleton, loaded down as he was with financial heresies and an anti-war record. So Tilden threw the vote of the State for the first seven ballots to Sanford E. Church. Then he suddenly dropped Church for Hendricks, though Hendricks was open to the same objections as Pendleton. This served the purpose of drawing votes from the Ohio candidate and Tilden persisted in it, though Vallandigham, who opposed Hendricks, urged him to support Chase. The eighteenth ballot, taken just before adjournment on the fourth day, gave Hancock  $144\frac{1}{2}$  votes, Hendricks 87, Pendleton  $56\frac{1}{2}$ , with 29 votes scattered.

That night Tilden had a secret meeting with Allen G. Thurman and other Ohio leaders.<sup>4</sup> The next morning at a meeting of the New York delegation, Seymour advocated a shift from Hendricks to Chase, and this was finally agreed upon. When the convention opened, Pendleton's name was withdrawn, and if New York had then voted for Chase he would probably have been nominated, but Tilden made no move. The growth of Hendricks's vote on the withdrawal of Pendleton gave an excuse for standing by him. After the twenty-first

<sup>4</sup>D. S. Alexander, *A Political History of the State of New York*, III, p. 203.

ballot, which gave Hendricks 132 to Hancock's 135½, the Ohio delegation withdrew for consultation. When it returned it proposed Seymour. The New Yorker, who was presiding over the convention, sought to stem the tide, holding that duty and honor were at stake and declaring, "Gentlemen, I thank you for your kindness, but your candidate I cannot be." State after State, however, threw its vote to Seymour, and finally Tilden arose, apparently yielding to the storm. He said: "Last evening I did not believe this event possible. There was one obstacle—Horatio Seymour's earnest, sincere, deep-felt repugnance to accept this nomination. I did not believe any circumstance would make it possible, except that Ohio, with whom we have unfortunately been dividing our votes, should herself demand it." In view of the conference of the night before, his confidence that Ohio would force his hand was not unnatural. Tilden publicly disavowed any part in turning the nomination to Seymour, but it is difficult to accept this disclaimer except on the theory that he was really working for himself. This was charged by Blair. Gideon Welles records: "Blair tells me that Samuel Tilden wanted to be the candidate of the Democrats for President. It is hardly credible, and yet in that way better than any other can his conduct and that of the New York Democratic politicians be accounted for."<sup>5</sup> Alexander Long, on the other hand, said that Tilden was a candidate for the United States Senate and thought that with Seymour the Democrats would carry

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<sup>5</sup>New York *Times*, September 4, 1868.

the Legislature.<sup>6</sup> A less selfish reason in explanation of Tilden's conduct may be found in Tilden's determination at all hazards to prevent the nomination of Pendleton and his unwillingness to accept Chase, though he had let New York commit itself to him.

While the Democrats in national convention in New York were completing their work by nominating Horatio Seymour for President and Francis P. Blair, Jr., of Missouri, for Vice-President, the Republicans were meeting in Syracuse on July 8 to nominate the State ticket. Henry Smith of Albany was temporary, and General John Cochrane of New York permanent chairman. Though the conservatives did not send delegates from New York City, the old controversy broke out afresh when a committee was proposed to take up the New York situation. Charles S. Spencer, the radical leader, protested against the appointment of Matthew Hale to the committee, declaring that he had done all in his power to thwart Fenton's administration. Hale denied this and refused to serve. The matter was finally closed by the appointment of a committee of two from each judicial district outside of New York to report on the subject at the next convention, and by the adoption of a plan for representation in the State convention more in proportion to the Republican votes. Although Lyman Tremain, Charles H. Van Wyck, Marshall O. Roberts, and Frederick A. Conkling, a brother of the Senator, had all been talked of as candidates for Governor, only three names were presented to the conven-

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<sup>6</sup>New York *Times*, September 4, 1868.

tion. These were Horace Greeley, Lieutenant-Governor Stewart L. Woodford, and John A. Griswold of Troy, a member of Congress and a business man of large executive ability and great personal popularity. Greeley was the popular favorite. He apparently had the support of Fenton, and Chauncey M. Depew's speech placing him in nomination aroused the greatest enthusiasm, even bringing the friends of the other candidates into the demonstration. On the roll-call, however, Griswold received 247 votes, while Greeley had only 95 and Woodford 36.

The difference between the applause and the vote has been variously explained. Some thought it a betrayal of Greeley and an attempt to humiliate him. Perhaps it may be more justly attributed to the fact that the delegates themselves, while they honored Greeley, distrusted his capacity for political leadership and feared that his signing of Jefferson Davis's bail bond and the enemies acquired in a long career of bitter editorial controversy would make him an impossibly weak candidate. The Democratic Albany *Argus* laid Griswold's nomination at the door of Fenton,<sup>7</sup> while on the other hand the Rochester *Democrat*, controlled by D. D. S. Brown, a friend of Fenton, alone among Republican State papers criticised the nomination of Griswold, believing that Greeley would have been a better choice, but consented to support the candidate.<sup>8</sup> For Lieutenant-Governor the convention nominated Alonzo B. Cornell of Tompkins, by 219 votes to 88

<sup>7</sup>Albany *Argus*, July 13, 1868.

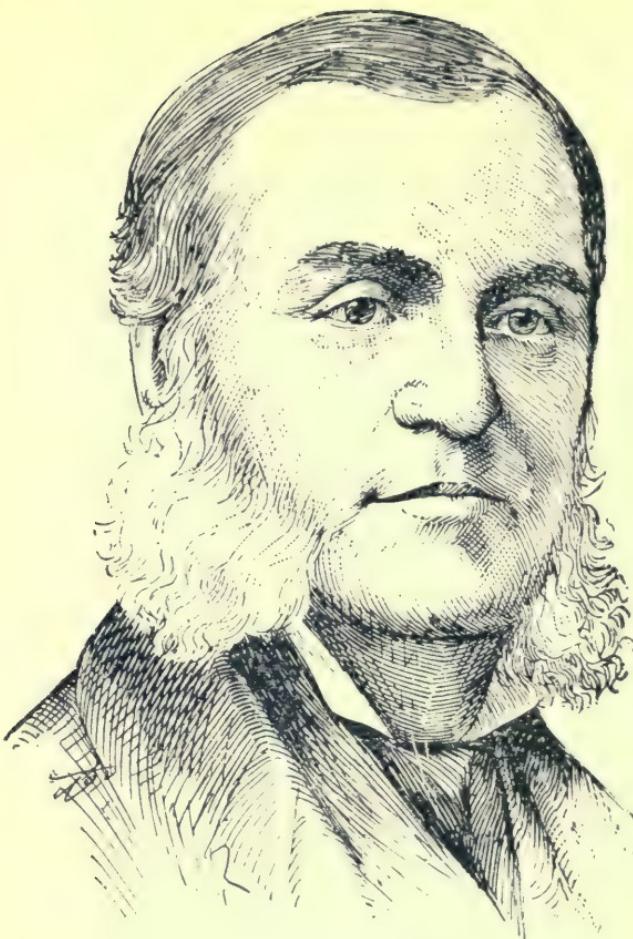
<sup>8</sup>Rochester *Daily Democrat*, July 9, 1868.



ANDREW DICKSON WHITE

Andrew Dickson White, educator and diplomat; born Homer, N. Y., November 7, 1832; graduated from Yale, 1853; attache United States legation at St. Petersburg, 1854-1855; professor of history and English literature, 1857-1863 and lecturer on history, 1863-1867, University of Michigan; member New York state senate, 1864-1867; first president of Cornell university, 1867-1885; president state republican convention, 1871; presidential elector, 1872; United States minister to Germany, 1879-1881; United States minister to Russia, 1892-1894; ambassador to Germany, 1897-1902; member of the peace commission at The Hague, 1899 and president of the delegation; died at Ithaca, N. Y., November 4, 1918.





CHARLES JAMES FOLGER

Charles James Folger, jurist; born in Nantucket, Mass., April 16, 1818; graduated at Geneva (now Hobart) college, 1836; studied law in Canandaigua; admitted to the bar in Albany in 1839; settled in Geneva, 1840; judge of the court of common pleas, Ontario county, 1843; master and examiner in chancery which offices were abolished by the constitutional convention of 1846; judge of Ontario county, 1852-1856; joined republican party in 1854; state senator, 1862-1869, acting for four years as president *pro tem*; delegate to constitutional convention of 1867; appointed by President Grant assistant treasurer in New York City, 1867-1870; elected associate judge of the court of appeals, 1870 and designated chief judge by Governor Cornell in 1880 to fill the vacancy caused by the death of Sanford E. Church; elected chief judge for full term in November, 1880 but resigned in 1881 when he was named by President Arthur as secretary of the treasury; nominated for governor of New York state in 1882 but was defeated by Grover Cleveland; died at Geneva, N. Y., September 4, 1884.



delegates. It was long and inconclusive. Tilden reviewed his services in overthrowing the Tweed ring and the canal ring, accused Congress of abdicating its duty in referring the count to the Electoral commission, and ended with the declaration that four years more of ceaseless toil was, he feared, beyond his strength. John Bigelow, Tilden's biographer, says: "This was not such a letter as Mr. Tilden would probably have written had he desired to render his renomination impossible."<sup>3</sup> His theory is that Tilden intended to leave the door open for a nomination, that he might later decline and allow the substitution of another candidate after he had made the most of the fraud issue. A part of the delegation, however, under the leadership of Whitney, was ready to take him at his word. To bring the Payne men back into line, Manning telegraphed to Tilden asking him if he might yield to the pressure for nomination that the letter had stimulated. This indiscretion placed Tilden where, as Bigelow points out, he could no longer equivocate. "My action is irrevocable," he replied; "no friend must cast a doubt on my sincerity."

The indecision concerning Tilden having thus been resolved, the New Yorkers voted on second choice. The Brooklyn delegates in their efforts to stop the Payne movement began to talk of a New York candidate in the person of Justice Calvin E. Pratt, and finally turned to James E. English of Connecticut. The delegation voted: Payne, 38; Tilden, 11; English, 11;

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<sup>3</sup>*Life of Samuel J. Tilden*, II, p. 270.

Bayard, 6; Hancock, 3; Randall, 1. Under the unit rule the entire 70 went to Payne.

The New Yorkers had their own way in the early stages of the convention. George Hoadly of Ohio, a Tilden man, was temporary chairman. Kelly was rejected by substantially a two-thirds vote, and was not even allowed to address the convention. But when it came to the vote on candidates, the failure of the Tilden men to get any considerable support for Payne deprived them of their prestige. Even in the New York delegation the minority talked openly against Payne. Randall had expected New York's support, though he was unable to hold Pennsylvania, which swung to Hancock. On the first ballot in the convention Hancock had 171, Bayard 153½, Payne 81½, Thurman 68½, Field 65, William R. Morrison of Illinois 62, Hendricks 49½, Tilden 38, with a few scattering votes. For a choice 486 votes were necessary. On the second ballot New York swung to Randall, Payne having withdrawn, but it was then too late. The vote was: Hancock 319, Randall 129½, Bayard 113, Field 65½, Thurman 50, Hendricks 31, English 19, Tilden 6, scattering 3. Before the result of the ballot was announced the swing to Hancock began and the New Yorkers most unwillingly joined in, giving Hancock 705 votes to 30 for Hendricks, 1 for Tilden, and 2 for Bayard. Hancock was the last man among the prominent candidates whom Tilden wanted. Even Bayard, whose course in the Presidential count was resented, would have been preferred. Tilden's manœuvring had overreached itself. Kelly was

delighted and after the nomination appeared on the platform, where he was vociferously greeted, made a speech of harmony, and gave an exhibition of effusive hand-shaking with John R. Fellows, representing the Tilden delegates, who was called to the platform to endure as patiently as he could Kelly's calm offer to forgive and take back the regulars into the party.<sup>4</sup>

The Greenbackers nominated James B. Weaver of Iowa for President and B. J. Chambers of Texas for Vice-President. The Prohibitionist candidates were Neal Dow of Maine and A. M. Thompson of Ohio.

As the only State officer to be elected was the Chief-Judge of the Court of Appeals, the Republican State committee on August 24 decided not to call a convention, but itself nominated Charles J. Folger. The Democrats intended to follow the same program, but under the threats of Kelly to make a separate nomination<sup>5</sup> they held a convention at Saratoga on September 28, in which both factions united. Kelly dominated it and nominated Charles A. Rapallo for Chief-Judge. The friends of several other candidates urged that the advancement of a sitting Judge would make a vacancy for a Republican Governor to fill, and drew from Rufus W. Peckham a denunciation of any such petty view of the court. David B. Hill presented George B. Bradley. Rapallo was named by an up-State delegate, but received Tammany's support through Dorsheimer, though Kelly himself, with a group of followers, voted for William C. Ruger, who had stood

<sup>4</sup>New York Tribune, June 25, 1880.

<sup>5</sup>New York Tribune, August 28, 1880.

against Tilden at Syracuse, perhaps because he remembered past favors, perhaps to lure anti-Tammany votes to Rapallo. Before the vote was announced, however, they all changed to Rapallo.<sup>6</sup>

The impulse for unity so far dominated the Democrats that Irving Hall combined with Tammany for the election of a Mayor. Kelly shrewdly induced Irving Hall to give him the choice from a list submitted by it. One of the names included was that of William R. Grace, whom Irving Hall suggested after the word had been passed that Kelly would under no conditions take him. Once on the list, however, Kelly snapped him up, and many of the adherents of Irving Hall, finding that they had been tricked into giving Kelly his own favorite candidate, turned to the support of William Dowd, who had been nominated by the Republicans.

The Democrats placed emphasis in the campaign upon the issue of the disputed election of 1876. Hancock did not prove a strong candidate. Though a man of eminent military and personal reputation he was not versed in statecraft; his indiscretion in alluding to the tariff as a "local question" doubtless lost him many votes. Yet the Republicans had little confidence in the early part of the campaign, and they had to meet and reply to persistent personal accusations against Garfield. Late in the canvass much was made by the Democrats of the notorious "Morey" letter, alleged to have been written by Garfield, in which the policy of Chinese

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<sup>6</sup>New York *Times*, September 29, 1880.

exclusion was opposed. The document was promptly shown to be a pure fabrication.

Conkling, after many caustic remarks on the nomination and predictions of defeat, went on the stump and visited Garfield's home at Mentor, though he was careful to avoid any charges of having sought a deal by not seeing the candidate alone.<sup>7</sup> With General Grant he made a series of speeches in the principal cities of New York State.

The vote resulted in the election of Garfield and Arthur. New York gave them its Electoral vote, casting 555,544 for the Republican ticket, 534,511 for the Democratic, 12,373 for the Greenback, and 1,517 for the Prohibition ticket. Folger was elected Chief-Judge, receiving 562,821 votes to 517,661 for Rapallo and 13,183 for Thomas C. Armstrong, the Greenback candidate. William R. Grace was elected Mayor of New York by 3,045 plurality over Dowd. An amendment to the Constitution was ratified by 110,678 majority, providing additional Judges for the Court of Common Pleas of New York City and establishing a system of judicial retirement pensions. The Republicans won 20 of the 33 Congress districts and carried the Legislature, electing 81 of the 128 Assemblmen. As the Senate of 25 Republicans and 7 Democrats held over, a Republican successor to Kernan as United States Senator was assured.

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<sup>7</sup>George S. Boutwell, *Reminiscences*, II, p. 272.

## CHAPTER XXI

### STALWARTS AND HALF-BREEDS

1881

**T**HE third term fight divided the Republicans of New York into two factions, known as the Stalwarts and the Half-breeds. The Half-breed resistance to Conkling had made Garfield's nomination possible, and this faction looked to the new administration at least to protect it from proscription and annihilation. No effort was made, however, to interfere with the election of George H. Sharpe, the Conkling candidate for Speaker, but in the choice of a United States Senator the Half-breeds took an active part.

The two leading candidates were Richard Crowley and Thomas C. Platt. Crowley was an able speaker; he had served in the State Senate and in Congress and as United States Attorney for the Northern district of New York. Platt also had served in Congress. He was a cool, efficient political manager, who made few enemies. Both were Stalwarts, but the Half-breeds saw more hope of independence, or at least moderation, in Platt. Conkling would not decide between his followers, but Arthur, Sharpe, and John F. Smyth supported Crowley, while Cornell, running true to the normal course of a Governor whom a boss tries to

dominate, and inclined to assert his independence, favored Platt. A group who held with George William Curtis that the Independents should vote without compromise to show the existence of an opposition favored William A. Wheeler or Sherman S. Rogers, whose candidacy was managed by his brother-in-law, Senator Ira Davenport. At the request of Blaine and Whitelaw Reid, Depew entered the field to hold the balance between Crowley and Platt and secure a Senator pledged to Garfield's support. After succeeding in this manœuver he withdrew. Before the caucus the Half-breeds came to an understanding with Platt that he would support the Garfield administration in the matter of appointments, including an appointment for Judge Robertson if the President saw fit to give it.<sup>1</sup> Speaker Sharpe, following the Younglove example of 1869 and the Cornell example of 1873, held up the committee appointments to bring pressure for Crowley. But in the Republican caucus of January 13 Platt was nominated, receiving 54 votes to 26 for Crowley, 10 for Rogers, 10 for William A. Wheeler, 4 for Elbridge G. Lapham, and 1 for Levi P. Morton. The Democrats gave their complimentary nomination to Francis Kernan.

The administration opened with the President and Conkling on friendly terms, although Garfield had refused his request to make Levi P. Morton Secretary of the Treasury. He offered instead to give him the Navy department, or to make Thomas L. James Postmaster-General. James was finally chosen, as

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<sup>1</sup>Statement of Mr. Depew to the writer, June 15, 1917.

Morton preferred the French mission. Garfield was reluctant to antagonize the Stalwarts. When a Half-breed delegation urged upon him the nomination of N. P. Pond for Marshal of the Northern district of New York, he replied that while he would fight where necessary, it was his nature to shun a quarrel and cross a street to avoid one.<sup>2</sup> John Hay had foretold to him his own weakness as an Executive. In declining the office of private secretary and paying warm tribute to Garfield's character and ability, Hay added: "'One thing thou lackest yet,' and that is a slight ossification of the heart. I woefully fear you will try to make everybody happy—an office which is outside of your constitutional powers."<sup>3</sup> On March 22 he sent to the Senate a list of nominations for Attorneys and Marshals in New York, all of them Stalwarts, but the next day created a sensation by nominating William H. Robertson for Collector of Customs to succeed General Merritt, whom he nominated for Consul-General at London.

The Stalwarts were surprised, for Conkling had only a few hours before been requested by the President to withhold papers bearing on New York changes until he was ready to receive them.<sup>4</sup> When he discussed with Garfield the first batch of nominations he had asked about the Collectorship, and been told to leave that for another time.<sup>5</sup> This stroke was widely

<sup>2</sup>Statement to the writer by D. D. S. Brown, who was a member of the delegation.

<sup>3</sup>W. R. Thayer, *Life of Hay*, I, p. 442.

<sup>4</sup>Conkling's letter of resignation, *New York Times*, May 17, 1881.

<sup>5</sup>Boutwell, *Sixty Years in Public Affairs*, II, p. 273.

attributed to Blaine's insistence on the recognition of his friends. But Blaine told George S. Boutwell that he had no knowledge of the nomination in advance, and Garfield acquitted him of all responsibility. The first nomination of an entirely Stalwart slate brought upon the President a flood of protests, and his sudden determination to show some recognition to the other side may have been the impulsive reaction.<sup>6</sup> On the other hand, many careful observers, including Frye, Blaine's friend and successor in the Senate,<sup>7</sup> felt that Blaine was the ultimate force behind Robertson's nomination. Garfield had sought to settle the question amicably, presenting to Conkling his desire to make one conspicuous appointment in New York among his friends who had opposed Grant.<sup>8</sup> But Conkling was implacably against any appointment for Robertson within this country. The State Senate, which was under Half-breed control, adopted a resolution commending all the New York appointments, including Robertson's, and the Stalwarts in the Assembly, not then daring to make an issue with the President, also passed it but later reconsidered it.<sup>9</sup>

Conkling as chairman of the committee on commerce had Robertson's nomination in his own hand. The Vice-President, the Postmaster-General, the two Senators, and Governor Cornell united in urging the withdrawal of Robertson's name. Failing to secure it, the suggestion was made that some other office, a foreign

<sup>6</sup>Boutwell, *Sixty Years in Public Affairs*, II, p. 274.

<sup>7</sup>Alexander, *Political History of the State of New York*, III, p. 471.

<sup>8</sup>George F. Hoar, *Reminiscences*, II, p. 57.

<sup>9</sup>Appleton's *Annual Cyclopaedia*, 1881.

mission or a judgeship, be given to Robertson. But the President stood firm. He took the position that if the nomination was unfit it should be rejected, but he would not yield to the doctrine of "Senatorial courtesy" invoked by Conkling with his colleagues, which substituted for the judgment of the Senate the personal whim of every Senator as to all nominations in his State. The issue, as put by Whitelaw Reid in his message to the President through John Hay, was: "This is the turning point of his whole administration—the crisis of his fate. If he surrenders now, Conkling is President for the rest of the term and Garfield becomes a laughing-stock. With the unanimous action of the New York Legislature, Conkling cannot make an effectual fight. That action came solely from the belief that Garfield, unlike Hayes, meant to defend his own administration."<sup>10</sup> Speaking of Robertson, Garfield, when this message was read to him, replied to Hay: "They may take him out of the Senate head first or feet first; I will never withdraw him."<sup>11</sup>

Finding it difficult to rally the Senate in opposition to the administration, Arthur and Platt suggested that all New York nominations be withdrawn, but without any consent to Garfield's suggestion to withdraw all except Robertson and then if he failed of confirmation to make up a new list. On May 6 the President, foreseeing the danger that Conkling might confirm all his own friends but hold up Robertson, withdrew all the other names. This brought the crisis. Several Senate

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<sup>10</sup>New York *Tribune*, January 7, 1882.

<sup>11</sup>Mrs. James G. Blaine, *Letters*, I, p. 286.

caucuses were held, in which Conkling found a growing disinclination to support him in his fight. Finally, on May 16, he and Platt sent their resignations to Governor Cornell with a long letter defining their position.<sup>12</sup>

Platt originated this plan, to which Conkling reluctantly consented, and the popular epithet of "Me too," which was applied to Platt because of the transaction, misrepresented his position.<sup>13</sup> He shared Conkling's views, but he had pledged support of the President. If they could be reelected, as they had every reason to believe, he would be freed from this pledge. The Stalwarts expected an easy triumph. They moved on Albany, where most of the old group set to work for Conkling's reelection. Cornell alone stood aloof. He refused to be a candidate himself, though votes were cast for him, and encouraged his friends to support Conkling and Platt, but he had sought harmony, advised acquiescence in Robertson's confirmation, and refused to use the power of his office in the contest. This made him an "ingrate" and a "traitor," whom the imperious Conkling openly characterized as the "lizard on the hill."

Clever parliamentary tactics on the part of the Half-breeds delayed the official announcement of the resignations to the Senate for one day, from Monday, May 16, to Tuesday. As the statute provided for a vote on the second Tuesday after the announcement,<sup>14</sup>

<sup>12</sup>New York newspapers, May 17, 1881.

<sup>13</sup>Thomas C. Platt, *Autobiography*, p. 150.

<sup>14</sup>New York *Times*, May 17, 1881.

this carried the time for a ballot over a whole week, and in the fortnight interval popular support of the President had a chance to manifest itself. Balloting began on May 31. The Democrats in caucus nominated Jacobs and Kernan for the two vacancies. Speaker Sharpe endeavored to arrange a Republican caucus with Dennis McCarthy, chairman of the Senate caucus committee, but was unable to do so, and the Republicans went into the joint session without any agreement.

For the short term Conkling led the ballot with 35 votes, while the opposition was divided among 18 candidates. Wheeler had 19, Rogers 13, Cornell 9, Crowley 5, Folger 4, Pomeroy 3; Henry E. Tremain, Andrew D. White, J. W. Wadsworth, William M. Evarts, and Thomas G. Alvord 2 each; and Hamilton Ward, Warner Miller, G. P. Edick, R. E. Fenton, Silas B. Dutcher, Hamilton Fish, and Orlow W. Chapman 1 each. For the long term Platt had 29 votes, Depew 21, Cornell 12, Lapham 8, Folger 6, Evarts 5, Miller 5, Crowley 3; Morton, Wadsworth, Tremain, Noah Davis, Rogers, and Joseph H. Choate 2 each; and Sharpe, Pomeroy, Wheeler, and J. M. Francis 1 each.

The balloting continued until June 9 without material change, when Assemblyman S. H. Bradley of Cattaraugus charged that Senator Loren B. Sessions had offered him \$2,000 to vote for Depew. A legislative committee turned the matter over to the grand jury, which indicted Sessions, but in 1883 he was acquitted. On June 22 Jacobs, who had all along been voting for George B. Bradley, while the other Demo-

crats voted for him, withdrew in deference to doubts concerning his eligibility because of his membership in the Legislature, and Clarkson N. Potter was substituted. At one time Webster Wagner entered into negotiations with the Democrats for them to join forces with the Half-breeds and break the deadlock by electing Jacobs and Depew. But Depew would take no part in this scheme,<sup>15</sup> and any chance of carrying it to success was frustrated, to the discomfiture of Jacobs,<sup>16</sup> by the tragedy of July 2 at Washington. On the day before the firing of the assassin's shot, after the thirty-first ballot, Platt withdrew from the fight and his 28 votes were scattered, the larger part of them going to Crowley.

The attack on Garfield turned the indignation of the whole country upon the Stalwarts, who had been opposing him on questions of patronage, and, it was felt, had helped to inflame the brain of the assassin, himself a disappointed office-seeker. The more moderate men on both sides saw the necessity of reaching an understanding. Depew went to Sharpe and asked what was necessary to bring the Stalwarts into caucus. He replied that Conkling would never consent to Depew. Calling Robertson, Husted, and Woodin, Depew at once wrote his withdrawal with his hat for a desk and suggested the candidates finally chosen.<sup>17</sup> As a result, on July 8, a conference of 68 legislators was held, which agreed to join in electing one Senator from

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<sup>15</sup>Statement of Mr. Depew to the writer, June 15, 1917.

<sup>16</sup>Hudson, *Recollections of an Old Political Reporter*, p. 120 *et seq.*

<sup>17</sup>Statement of Mr. Depew to the writer, June 15, 1917.

each faction, the nominees of the caucus to be the first of their respective factions on whom 54 should unite. This conference resulted in the selection of Warner Miller, a Half-breed, for the long term, and Elbridge G. Lapham, a Stalwart, for the short term, although on the first ballot in the caucus Platt had still 38 votes.

The original supporters of Conkling and Platt refused to enter the conference, and no break in their line was made until July 17, when on the forty-eighth ballot Speaker Sharpe went over to the caucus candidates. No election occurred for the short term, Lapham receiving 68 votes to 29 for Conkling, 47 for Potter, and 1 for Evarts. Miller was chosen for the long term, receiving 76 votes to 47 for Kernan, 9 for Fish, and 4 for Wheeler. The Stalwarts continued to vote for Conkling until July 22, when in the midst of a conference Senator Edwin G. Halbert, a Stalwart of the Stalwarts, suddenly exclaimed: "We must come together or the party is divided in the State. I am willing to vote now." A vote was at once taken and Lapham was nominated, receiving 61 votes while Conkling received 28, Evarts 1, and Woodford 1. That evening, on the fifty-sixth ballot, Lapham was elected, the vote standing: Lapham, 93; Potter, 41. Lapham's election was most galling to Conkling, as he had been one of the company of Stalwarts that had advised the fight for reëlection. "That man must not reap the reward of his perfidy," he exclaimed when he heard of Lapham's participation in the plan for giving each faction a Senator.<sup>18</sup>

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<sup>18</sup>New York Tribune, July 7, 1881.

The new Senators had both served in Congress. Lapham was a lawyer of Canandaigua, a man of good rather than distinguished abilities, who made no claims to leadership. Miller, starting life as a school-teacher, acquired wealth as a paper manufacturer in Herkimer. He was a forceful though not brilliant speaker and a high-minded man. The liberal elements of the party looked to him for leadership, but he had little aptitude for the details of politics and his conscientious determination to study all public questions was no match for the organizing abilities and manipulation of patronage through which Thomas C. Platt in a few years overthrew him.

With the resignations of Conkling and Platt, all opposition to the President's appointments dissolved. Robertson and Merritt were confirmed, and the Stalwart nominations were sent in again with a few minor changes, not of a factional nature, and they were all confirmed. Thus the struggle over the New York spoils was ended, but out of it came the humiliating end of Conkling's political power and the tragedy of Garfield's death. Conkling settled in New York City, where he practiced law with great success, until his death from exposure in the blizzard of 1888. Though he lacked the initiative and the constructive ability of the highest statesmanship, his personal integrity, eloquence, faithfulness to his followers, and capacity to command obedience, gave him a power and prestige that only his own arrogance wrecked.

With the Legislature intent upon the prolonged Senatorial contest, few important measures were passed.

The Governor vetoed an unusual number of bills, including one for the extension of New York City's water supply. The perennial demand for revision of the tax laws was renewed, and a joint committee in coöperation with a commission of which Joshua M. VanCott was chairman reported sixteen bills dealing with the subject, but only eight of these were passed. The most important made a new definition of real estate to include railroad tracks, telegraph lines, and pipes under ground, and imposed a tax on collateral inheritances. The growing anti-monopoly sentiment called for legislation to prevent the consolidation of the Western Union, American Union, and Atlantic & Pacific Telegraph companies, which was just then under way, but nothing was accomplished.

Conkling's friends still controlled the Republican State committee, but when the State convention met in New York on October 5 the passing of the old order was clear. Garfield had died on September 19, and Arthur was in the White House. After Frank Hiscock had declined to run for temporary chairman, Warner Miller, the new Half-breed Senator, was chosen by a vote of 298 to 190. Conkling did not attend the convention, though a body of contestants from Oneida claimed a seat for him. Chauncey M. Depew was made permanent chairman without opposition. The platform eulogized Garfield, expressed confidence in Arthur, indorsed Cornell's administration, pointed with pride to the Republican prosecution of the Star Route frauds, and declared for the establishment of a Railroad commission. The ticket, made up almost entirely of



ALONZO BARTON CORNELL

Alonzo Barton Cornell, 30th governor (1880-1882—three-year term); born, Ithaca, N. Y., January 22, 1832; manager Western Union Telegraph company, New York City, 1855; commissioner for construction of new capitol at Albany, 1868-1871; defeated for lieutenant governor, 1868; surveyor of the port of New York, 1869-1872; speaker of the assembly, 1873; elected governor, 1879; died at Ithaca, N. Y., October 15, 1904.





#### WILLIAM HENRY ROBERTSON

William Henry Robertson; born in Bedford, N. Y., October 10, 1823; studied law; was admitted to the bar and practiced; member of the state assembly in 1849 and 1850; state senator, 1854-1855; judge of Westchester county, N. Y., for 12 years; presidential elector in 1860; elected as a republican to the 40th congress (March 4, 1867-March 3, 1869); again a state senator; collector of the port of New York by appointment of President Garfield, on account of which appointment Senators Platt and Conkling resigned their seats in the United States senate; died in Katonah, N. Y., December 7, 1898.



Half-breeds, was headed by General Carr, and James W. Husted, a political associate of Robertson, was named for Treasurer.<sup>19</sup>

Although Kelly had been received back into the bosom of the Democratic party after the nomination of Hancock and had been allowed to control the autumn State convention, the Democratic failure to carry New York led to a new movement against him. His enemies charged that he had sacrificed Hancock to carry through his local ticket. Mayor Cooper refused to reappoint him Comptroller, and, just before surrendering office to Mayor Grace, nominated a successor whom the Republican Aldermen helped to confirm. William C. Whitney, Abram S. Hewitt, and Hubert O. Thompson started a movement for a popular representative party organization in New York City, with a general committee of over six hundred members, in place of the Tammany organization, where twenty-four men were in practical control. Tammany refused to coöperate in this undertaking and the reorganizers proceeded to form the County Democracy, based on a public enrollment of the Democratic voters. On October 7 Hewitt announced that there were 26,500 enrolled members.

This organization sent delegates to the State convention, which was held at Albany on October 11. Manning was again in power, for the rural opposition

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<sup>19</sup>The ticket was: Secretary of State, Joseph B. Carr, Rensselaer; Comptroller, Ira Davenport, Steuben; Treasurer, James W. Husted, Westchester; Attorney-General, Leslie W. Russell, St. Lawrence; State Engineer, Silas Seymour, Saratoga; Judge of the Court of Appeals, Francis M. Finch, Tompkins.

had disintegrated with the defeat of Hancock. He cordially welcomed the County Democracy and placed its delegates on the preliminary roll. Both the Tammany and Irving Hall delegates were unanimously excluded. The platform denounced the Republican Legislature for defeating transportation reform and declared for free canals and civil service reform. In making up the ticket Manning was liberal-minded toward old opponents of Tilden and gave the nomination for Secretary of State to William Purcell of Rochester.<sup>20</sup>

The apparent harmony of the Republican convention and the division in the New York City Democracy promised a sweeping Republican victory, but when the votes were counted the resentment of the Stalwarts was easy to be traced. Carr was elected by 13,022 plurality, receiving 416,915 votes. Purcell had 403,893 and Epenetus Howe of Tompkins, the Greenback candidate, 16,018. The rest of the Republican State candidates were elected by similar pluralities, excepting Husted, whose vote was cut to 392,251, while Maxwell received 413,194 and was elected by 20,943 plurality. The Republicans lost both houses of the Legislature for the first time since 1869. The Senate stood 17 Democrats to 15 Republicans, and the Assembly, 67 Democrats to 61 Republicans. Three of the Senators and eight of the Assemblymen from New

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<sup>20</sup>The ticket was: Secretary of State, William Purcell, Monroe; Comptroller, George H. Lapham, Yates; Treasurer, Robert A. Maxwell, Genesee; Attorney-General, Roswell A. Parmenter, Rensselaer; State Engineer, Thomas Evershed, Orleans; Judge of the Court of Appeals, August Schoonmaker, Jr., Ulster.

York City, however, were Tammany men, and this gave Kelly a balance of power, which he used effectively in the next session.

The election of 1881 is notable in the history of municipal administration for the placing of Seth Low in the Mayoralty of Brooklyn under a charter that gave him large executive powers and centralized responsibility. His successful administration was one of the first triumphs of a movement, which has spread widely, for the treatment of municipal problems on their own merits without regard to national or State politics.

Immediately following the election, President Arthur, after having offered the place to Edwin D. Morgan, who declined, appointed Charles J. Folger Secretary of the Treasury. The Chief-Judgeship, which Folger had filled for less than a year, thus becoming vacant, the Governor appointed Charles Andrews to succeed him, and named General Benjamin F. Tracy of Brooklyn for the Associate-Judgeship, temporarily vacated by the promotion.

## CHAPTER XXII

### FOLGER'S OVERWHELMING DEFEAT

1882

THE whole legislative session of 1882 was one of intrigue and turmoil owing to Tammany's balance of power. Kelly's followers refused to caucus with the regular Democrats, who nominated John C. Jacobs for President *pro tem.* of the Senate, and Charles E. Patterson of Rensselaer for Speaker. The Republicans supported Thomas G. Alvord for Speaker. Tammany demanded the chairmanship of the cities committee in both houses, satisfactory representation on the committees on railroads and commerce and navigation, a share in the subordinate offices of the Legislature, and the exclusion of Jacobs. Failing to obtain these concessions, it blocked legislative business. The Senate, having a presiding officer in the Republican Lieutenant-Governor, was not left absolutely immovable, but the election of a Clerk and the appointment of all committees were held up, and in the Assembly nothing could be done. Tammany voted for J. J. Costello for Speaker until February 2, when it joined in electing Patterson on the understanding that it would be allowed to control the committees on cities and railroads. When, twelve days later, the committees

were appointed, Tammany declared that the compact had been violated and showed its resentment the next day in the Senate by aiding the Republicans to change the rules so as to give the Lieutenant-Governor power to appoint committees. It also elected a Republican Clerk of the Assembly and joined with the Republicans in filling the minor positions in the two houses.

The death of Senator Webster Wagner in the New York Central Railroad wreck at Spuyten Duyvil focused attention on the need of railroad regulation. The Governor in a special message advocated more rigid requirements for safety, and Assemblyman C. S. Baker of Monroe introduced a bill to establish a Railroad commission, substantially along the lines recommended by the Hepburn committee of 1880. The Democrats and anti-Cornell Republicans refused to give the Governor the appointing power, fearing that he would use it as a personal political engine, as he had shown a disposition to do in the appointment as Superintendent of State Prisons of Isaac V. Baker, an able political manager who was confirmed by Tammany votes. As the act was finally passed, it deferred the first appointments to the term of the next Governor and provided for a bipartisan commission with the three Commissioners to be named on the nomination of the New York Chamber of Commerce, the New York Board of Trade and Transportation, and the National Anti-Monopoly League. The commission's powers were confined to investigation and recommendation. A bill passed the Senate to reduce the elevated railroad fares in New York City to five cents, but it failed in the

Assembly. Another bill passed both houses to impose a 4 per cent. tax on the gross receipts of the elevated railroads in lieu of a large amount of overdue taxes in dispute. In spite of the strong appeal of Conkling, who appeared as counsel for Jay Gould, Governor Cornell vetoed this measure. The Governor vetoed a revision of the civil code prepared under the direction of David Dudley Field, and also a revision of the military code.

An Assembly investigating committee headed by Alfred C. Chapin of Kings investigated insurance receiverships and censured Justice R. T. Westbrook of the Supreme Court for receivership appointments and for orders under which insurance company assets had been wasted. Assemblyman Theodore Roosevelt soon after forced another investigation of Justice Westbrook and ex-Attorney-General Hamilton Ward for their conduct relating to suits of the Manhattan Elevated Railway. The minority of the committee favored the impeachment of Westbrook, who was still in office, while the majority attributed the acts criticised to errors not properly impeachable.<sup>1</sup> The majority report was adopted, it was openly charged, through the exercise of Gould's influence.

With Baker's aid and the sympathy of many of the Half-breed leaders, though he was not personally popular with them, Cornell built up a powerful following, but his renomination was bitterly opposed by his old Stalwart associates. Crowley's friends resented his attitude in the first Senate election of 1881, and

<sup>1</sup>*Appleton's Annual Cyclopedias, 1882.*

Conkling's feeling over the indifference of the "lizard on the hill" in the second Senatorial struggle was shared by President Arthur. Conkling had also a more recent grievance in the Governor's coldness to his legal plea for the Manhattan Railway Company.

All the power of the national administration's patronage was used against him. Wherever the administration could control, delegates were elected favorable to the nomination of Secretary Folger for Governor. In other districts favorite sons were encouraged. Cornell wanted an early convention, but the Stalwarts in the State committee fixed it for Saratoga on September 20. The State committee also showed its attitude toward the new Federal Civil Service law by voting to refund to General N. Martin Curtis the \$1,000 fine that had been imposed upon him for collecting political contributions, if the fine should be upheld on appeal.

The critical struggle between Cornell and the administration came over the selection of a temporary chairman of the State convention. The Stalwarts designated Edward M. Madden by a vote of 18 to 14 over Edmund L. Pitts, at a meeting in which Stephen B. French sat as proxy for William H. Robertson. French's support of the Stalwarts was taken as an indication of Robertson's attitude toward Cornell by other Half-breed committeemen, and determined the vote. Robertson at once denied that he had given French a proxy, and it was shown that French's proxy, which he filed with the secretary of the committee, was a forged telegram written on a sending blank. French's

excuse that it had been handed to him and that he supposed it was a genuine answer to a telegram asking for Robertson's proxy, convinced few.<sup>2</sup>

William J. Mantanye, who supported Madden, was likewise substituted for A. P. Smith of Cortland, an anti-administration man, with the aid of a forged telegram.<sup>3</sup> Immigration Commissioner Edmund Stephenson also charged French with urging him, professedly at the special request of Arthur, to support Folger, though Arthur had afterward denied to him that he sent any such message.<sup>4</sup> Robertson, notwithstanding his Half-breed antecedents, according to both French and Crowley, was pledged to Folger.<sup>5</sup> He apparently did not feel able to oppose his official superior, yet was unwilling to train with the Stalwarts in the fight for party control and so remained at home. But the forgeries brought forth his angry protests.

The fraud enabled the administration to organize the convention and gather in the floaters. The Stalwarts barely carried the convention on the test vote for Madden by 251 to 243, and doubtless would have been beaten if the forgeries of the telegrams had then been known. On the first ballot Folger had 223 votes, Cornell 180, ex-Comptroller James W. Wadsworth 69, John H. Starin 19, and John C. Robinson 6. On the second ballot the Starin and Robinson men went to Cornell, together with some of Wadsworth's votes.

<sup>2</sup>New York *Tribune*, September 21 and 22, 1882.

<sup>3</sup>New York *Times*, September 27, 1882.

<sup>4</sup>New York *Tribune*, September 25, 1882.

<sup>5</sup>New York *Tribune*, September 22, 1882.

But the administration had cleverly used Wadsworth's name to elect delegates of whom Folger had the reversion, and enough of them went to Folger to give him the nomination with only eight more votes than were required. The vote stood: Folger, 257; Cornell, 222; Wadsworth, 18.<sup>6</sup>

The platform, adopted after the nominations, cynically eulogized Cornell, the rejected candidate, commended Arthur and his veto of the River and Harbor bill, and attacked the Democrats for their factional blocking of the Legislature. It favored the establishment by law of a competitive civil service with fixed terms and removals only for cause, the submission of the liquor question to a popular vote, taxation reforms to reach corporations as well as persons, safeguards against monopolies, better primary laws, and action to discourage appeals for laws overriding local authorities.

The Democratic State convention met at Syracuse on September 22 with eight candidates seeking the nomination for Governor. No contest was made over the selection of Rufus W. Peckham for temporary or Lester B. Faulkner for permanent chairman. The County Democracy was the recognized regular organization in New York City, but the two leading candidates for Governor, remembering how Kelly had beaten Robinson, were inclined to conciliate Tam-

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<sup>6</sup>The ticket was: Governor, Charles J. Folger, Ontario; Lieutenant-Governor, B. Platt Carpenter, Dutchess; Chief-Judge of the Court of Appeals, Charles Andrews, Onondaga; Congressman-at-large, A. Barton Hepburn, St. Lawrence.

many. The friends of Roswell P. Flower created a sentiment for the admission of Tammany delegates. Flower was a native of Watertown and a banker in New York City, who represented a city district in Congress and had all the popularity belonging to a genial rich man in politics. He suffered from the disadvantage of having his name coupled by Ira Shafer before the convention with the financial transactions of Jay Gould. General Henry W. Slocum, whom Tammany had sought to nominate three years before, also favored the Tammany claims. Slocum this time had the Kings delegation, though many doubted the earnestness of McLaughlin's devotion, and Shafer, turning his attention from Flower to Slocum, held him responsible for frauds in connection with the Brooklyn bridge. The convention, while recognizing the County Democracy and seating its 38 delegates, also admitted Tammany with 24 delegates and Irving Hall with 10, in order to promote harmony.

The County Democracy supported Allan Campbell, the Comptroller of the City of New York. They would have been for Edward Cooper if they had seen a chance to win.<sup>7</sup> Other candidates were Erastus Corning of Albany, Homer A. Nelson of Dutchess, Perry Belmont and Waldo Hutchins of New York, and Grover Cleveland of Erie. Cleveland was a new man, whose pretensions were not taken seriously even by himself. He had been Sheriff of Erie county, and as Mayor of Buffalo he had made a reputation for sterling independence and honesty. His ambition was a Supreme

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<sup>7</sup>New York Tribune, September 23, 1882.

Court Justiceship. The movement had been organized by his friends in his absence from Buffalo, and he was frank in saying that he did not expect the nomination but hoped that the prestige of being voted for in the State convention would lead to his selection as the Democratic representative on a non-partisan judiciary ticket then in prospect.<sup>8</sup> Newspaper correspondents at Syracuse patronizingly reported that while he was not seriously considered for first place he could have the second by common consent. Far-sighted observers, however, saw in him the solution of the party difficulties.

The leading candidates were bound to kill each other. Manning did not trust Flower, and while he had promised one hundred votes to Slocum, which he duly delivered, the more he studied Slocum's political alignment the more ready he was to be overcome by a dark horse. Cleveland had no part in factional antagonisms, no embarrassing record coming down from Civil War days such as troubled many Democratic leaders, no relations with the canal ring, but an undimmed reputation as a reformer. Behind Corning stood Edward Murphy, Jr., of Troy, who was afterward to be a power in the party. But Corning's only chance was as the heir of Slocum or Flower, and his old antagonism to Tilden was not forgotten.

On the roll-call Kelly divided his vote, giving 7 to Flower, 6 to Slocum, 6 to Cleveland, and 5 to Corning. The first ballot was: Slocum, 98; Flower, 97; Cleveland, 66; Corning, 35; Campbell, 37; Nelson, 26;

<sup>8</sup>Hudson, *Recollections of an Old Political Reporter*, p. 134.

Belmont, 12, and Hutchins, 13. The County Democracy stuck to Campbell on the second ballot, but Corning withdrew and a large part of the Belmont and Nelson strength was divided between Slocum and Flower, placing them far in the lead. Kelly threw a few more votes to Cleveland. The ballot was: Slocum, 123; Flower, 123; Cleveland, 71; Campbell, 33, Nelson, 15; Belmont, 6; Hutchins, 13. The Corning vote had gone to Slocum and the chances favored his nomination on the third ballot, but the County Democracy, seeing the time for the break had come, went to Cleveland in a body and started a stampede of part of the Flower strength. Manning allowed Albany to follow, and Murphy threw in Rensselaer. Then Kelly changed the Tammany vote to Cleveland. After much confusion and a new roll-call the third ballot as declared was: Slocum, 156; Flower, 15; Cleveland, 211, or nineteen more than the number necessary to nominate.<sup>9</sup> The platform reaffirmed Tilden's old platform of 1874, arraigned the Republican Congress for failure to reduce the tariff, denounced Federal interference in State politics as shown by the nomination of the Secretary of the Treasury for Governor, and made an appeal to the friends of the agitators then clashing with the authorities in Ireland by blaming the Republicans for not protecting foreign-born citizens abroad. Cornell's defeat was attributed to his veto of corporate schemes. Restoration of the merchant

<sup>9</sup>The ticket was: Governor, Grover Cleveland, Erie; Lieutenant-Governor, David B. Hill, Chemung; Chief-Judge of the Court of Appeals, William C. Ruger, Onondaga; Congressman-at-large, Henry W. Slocum, Kings.

marine was urged but the way was not indicated, cost and reasonable profit was fixed as the proper limit of transportation charges, and planks were included favoring home rule, free canals, honest primaries and individual freedom, and against the competition of prison with free labor.

The Greenback Labor party held its convention at Albany on July 19 and nominated Epenetus Howe for Governor. Besides avowing its familiar principles on financial questions, and declaring for the election of all public officers including postmasters, the party reflected the prevalence of the popular movement against contract labor in prisons in resolutions that were echoed by the Anti-Monopoly convention at Saratoga on September 13. This Anti-Monopoly party also denounced the sway of corporations and favored the making of the telegraph lines a part of the postal service.

From the first Folger faced an almost hopeless campaign. The cry that Federal domination had forced a member of the cabinet on an unwilling party was at best difficult to meet. The reformers, moreover, regarded Carpenter as a political trickster<sup>10</sup> and asserted that many who otherwise were too disgusted to vote would go to the polls solely to "scratch" him. The situation was made much worse by the forgeries that had indirectly made the nomination possible and by the election of John F. Smyth to the chairmanship of the State committee in defiance of reform sentiment. Hepburn withdrew from the ticket, October 4, on the

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<sup>10</sup>New York *Times*, September 22, 1882.

ground that the nominations were in public opinion tainted by fraud, and Howard Carroll of New York, long a political writer and correspondent of the *New York Times*, was substituted for Congressman-at-large. No one for a moment believed Folger guilty of anything improper or unfair, and many of his best friends, including General Woodford,<sup>11</sup> urged him to withdraw. But the Stalwarts persuaded him against his own better judgment. His campaign was based on appeals to party loyalty and fears of financial disturbance if the Democrats won. This latter argument, coming from the Secretary of the Treasury, was sharply criticised as "a stock exchange view of politics."<sup>12</sup>

For the first time in years the Democrats were united and were aided at once by the appeal of their candidate as a reformer of independent sympathies and by the widespread disposition among Republicans to rebuke the administration. In the absence of Curtis *Harper's Weekly* was committed to Folger, and Curtis resigned, but the publishers promptly repudiated the article and followed him in support of Cleveland.<sup>13</sup> Cleveland carried the State by the enormous plurality of 192,854, the largest ever given to a candidate in the State up to that time. The vote was: Cleveland, 535,318; Folger, 342,464; Howe (Greenback), 11,974; A. A. Hopkins (Prohibitionist), 25,783. Hill's plurality was 196,781, Slocum's 109,722, while Ruger even

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<sup>11</sup>New York *Tribune*, September 29, 1882.

<sup>12</sup>New York *Tribune*, October 21, 1882.

<sup>13</sup>Cary, *Life of George William Curtis*, p. 275. See also Curtis's letter to William Potts, *New York Tribune*, October 4, 1882.

defeated the popular and respected Andrews, already sitting as Chief-Judge, by 73,400. In the sweep the Democrats carried 20 of the 33 Congress districts, while 84 Democrats, 42 Republicans, and 2 Independents were sent to the Assembly.

In New York City a non-partisan movement had been started, in which the Republicans joined, for the election of Allan Campbell to the Mayoralty. Under Whitney's leadership, however, the County Democracy sacrificed its city policy to united support for Cleveland, and, although that organization had supported Campbell for Governor, it deserted him now and made common cause with Tammany and Irving Hall in the nomination of Franklin Edson, who was elected by 21,417 plurality over Campbell.

Two constitutional amendments were adopted by the people, one increasing the judiciary force of the Supreme Court, by 170,000 majority, and the other abolishing canal tolls, by over 300,000 majority.

The latter was the culmination of the attempt to make the old canal compete with railroads. The Erie canal, started in 1817 and completed in 1825 at a cost of over \$5,000,000, brought vast wealth to the State. Despite great waste and recurring scandals, up to 1894 it cost only \$60,000,000 and returned to the treasury \$133,000,000, while boatmen in addition took for freights \$225,000,000 and the State's commerce benefited incalculably. Originally four feet deep and carrying thirty-ton barges, the demands upon it led in 1838 to enlargements, calculated to cost \$12,500,000, but which it was soon discovered would cost some

\$23,000,000. A long period of confusion followed, and it was not until 1862 that a double-lock canal with seven feet of water for 240-ton barges was completed at a cost of \$32,000,000. Meanwhile the State built many and projected more lateral canals in the enthusiasm for water transport, only to find the railroads doing more and more what these had been expected to do, so that most of them were ultimately abandoned. Up to 1872 the canals carried 70 per cent. of the grain coming to New York, but by 1876 they carried only 57 per cent., and in spite of lowered rates they steadily lost this supremacy until the people became convinced that only free use could make the canals an adequate regulator of railroad rates, then not effectively controlled by law, and prevent the diversion of New York's commerce. As the revenues collected on the Erie canal up to 1882 exceeded by over \$42,000,000 the total cost at that time, the sacrifice of tolls did not seem extravagant. But the results were disappointing, because other factors, such as terminal charges, small cargoes, and slowness of transport in the confined waterway, even with steam propulsion, counted against the water route. The next step to fit the Erie, Oswego, and Champlain canals to modern requirements was the \$9,000,000 project of 1895 for nine feet of water and 320-ton barges. The cost of this, like the project of 1838, was grossly underestimated, and when the money was gone the Greene commission of 1900 found it would require \$21,000,000 to complete and would then be out of date. A canal for 1,000-ton barges with ten feet draft was recommended at a cost of \$59,000,000. This plan, revised to cost



WILLIAM CRAWFORD RUGER

William Crawford Ruger, jurist; born, Bridgewater, Oneida county, January 30, 1824; moved to Syracuse, 1847; delegate to the famous Hunker convention of 1849; the first state judicial convention of 1870; democratic national convention of 1872 and the democratic state convention of 1877; defeated for congress in 1863 and 1865; first president of the state bar association, 1876; nominated for chief judge of the court of appeals, 1882 and held the office until he died in Syracuse, January 14, 1892.





ELBRIDGE GERRY LAPHAM

Elbridge Gerry Lapham, congressman and senator; born in Farmington, N. Y., October 18, 1814; studied first civil engineering and afterward law; admitted to the bar in 1844 and practiced in Canandaigua, N. Y.; member of the constitutional convention, New York, 1867-1868; served in congress from March 4, 1875 to March 3, 1883; elected to the United States senate to fill the vacancy caused by the resignation of Roscoe Conkling and served from July 22, 1881 to March 3, 1885; died at his country home at Canandaigua Lake, January 8, 1890.



\$101,000,000, was finally adopted in 1903. In 1911 a bond issue of \$19,800,000 was authorized to provide for canal terminals. In 1915 a further bond issue of \$27,000,000 was authorized to complete it, and this was substantially done in 1918, except the work of constructing terminals. The necessary interruption of this work on account of the war has rendered the barge canal of little use to local shipping interests and has required the State to maintain portions of the old canal for their convenience. The lowest tonnage coming to the Hudson over the Erie canal was reached in 1917, when it was less than one-tenth that of 1900 and one-thirtieth that of 1862, the year of highest traffic.

During the late war exclusive jurisdiction over the control and management of the canal was assumed by the Federal government. The failure of the government to utilize canal facilities to any material extent and its continuance of operation of government-owned barges after the restoration of State control, in competition with and discouragement of private shipping interests, subjected the government to severe criticism and formed the subject of many memorials to Congress on the part of the Legislature and private commercial interests.

The movement on the part of western shipping interests to procure the construction of a through waterway from the Great Lakes to the Atlantic by way of the St. Lawrence River without the necessity of breaking cargo, through government aid for the canalization of

connecting waterways, has assumed formidable proportions, which threaten to jeopardize the usefulness of this expensive project, and its future value as an adjunct to commerce is shrouded in grave doubt.

## CHAPTER XXIII

### CLEVELAND THE REFORMER

1883

**G**OVERNOR CLEVELAND took office as a reformer and succeeded in his first year in getting an unusually large number of general laws; but he had to work with a reluctant party, and some of the most important measures of reform were forced through by the Republicans. The session opened with a struggle over the Speakership. Tammany, under the lead of General Francis B. Spinola, opposed Alfred C. Chapin of Kings, Manning's choice for Speaker. In the caucus on New Year's day, Chapin won in a close fight on the second ballot over Erastus Brooks of Richmond, Thomas E. Benedict of Ulster, and William A. Poucher of Oswego.<sup>1</sup> Chapin was a young, able, and cultivated man, to whom the reformers looked with some hope, notwithstanding his advancement through the patronage of Hugh McLaughlin. Not to be outdone by the Democrats in welcoming young men, the Republicans gave the compliment of a minority nomination to Theodore Roosevelt of New York, who was just beginning his second term in the Legislature, where he was showing an aggressive and unconventional devotion to clean politics.

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<sup>1</sup>New York Tribune, January 2, 1883.

The spirit of the Assembly majority soon appeared in the contested election case of Henry L. Sprague, the Republican from the Thirteenth district of New York, against Thales S. Bliss. The majority of the votes had been cast for Sprague, but a transposition of figures gave Bliss the election on the official returns. A committee majority controlled by the Democrats reported in favor of Sprague, but two members, though not disputing the fact of the transposed figures, arbitrarily reported for Bliss, and this minority report was adopted by the Assembly, though fourteen Democrats were opposed.<sup>2</sup> Both parties had promised to deal with the convict labor problem, but the only results were an act forbidding the renewal of a contract for making hats at Clinton prison when it ran out, and an act submitting to the people the question of abolishing contract labor. The Brooklyn Primary law of 1882 was extended to the whole State. It required oaths from primary officers and applied to primaries some of the safeguards against frauds and bribery that were thrown about elections.

The long fight that George William Curtis and Dorman B. Eaton had led against the spoils system resulted in the first State Civil Service law passed in the United States. The majority did their best to hold up this legislation, but public opinion and the activity of the Republicans in forcing the hand of their opponents finally compelled its passage, and the Governor appointed as the first commission Andrew D. White, Augustus Schoonmaker, and Henry A. Richmond. Silas W. Burt, who had enforced the merit system in

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<sup>2</sup>New York *Tribune*, February 17 and March 9, 1883.

the New York custom house, became the first chief examiner. White declined office and John Jay was made president of the commission. The Governor also appointed the first Railroad commission under the law passed in 1882. It consisted of William E. Rogers, John D. Kernan, and John O'Donnell. O'Donnell, who was designated by the Anti-Monopoly League and other organizations, was with difficulty confirmed. The management of the new Capitol was placed in the hands of a single Commissioner, Isaac G. Perry of Binghamton, in the hope that this monument to wastefulness might be more speedily and economically completed. The State Board of Claims, out of which the Court of Claims subsequently grew, was substituted for the Canal Appraiser, and the Niagara Falls Reservation was established under the management of William Dorsheimer, J. Hampden Robb, Andrew H. Green, Martin B. Anderson, and Sherman S. Rogers. A new Congressional reapportionment was made despite the opposition of the Republicans, who declared the districting in New York City to be unfair.

The Governor almost wrecked his popularity by his veto of a bill to reduce to five cents the fares on the New York City elevated railroads.<sup>3</sup> He held that the bill was a violation of contract and of pledged faith, since the companies were entitled to at least 10 per cent. profit on their investment. Though attempts were made to show that they were making more than this on their actual investment,<sup>4</sup> the veto was not overridden,

<sup>3</sup>Message of March 2. Lincoln, *Messages from the Governors*, VII, p. 850.

<sup>4</sup>Report of Railroad Commissioners, April 19, 1883.

and the first popular indignation gave way to admiration for the Governor's courage.

The session ended with Tammany bitterly opposed to Cleveland. Kelly had thrown some votes for him at Syracuse before the County Democracy supported him, and expected recognition. But to Tammany's dismay Cleveland allied himself with Manning and made Daniel S. Lamont, one of Manning's lieutenants, first his military and then his private secretary. The only conspicuous Tammany appointment made by the Governor was that of Willis S. Paine to be Superintendent of Banks. Still Tammany did not oppose the appointment of John A. McCall to succeed A. Barton Hepburn in the Insurance department, or of James Shanahan to succeed Silas B. Dutcher as Superintendent of Public Works. But when the Governor took from the McLaughlin organization in Brooklyn William H. Murtha for Commissioner of Emigration, an office that carried with it control of local patronage and contracts of great value to Tammany, Kelly held up the confirmation. He also held up the confirmation of a list of Quarantine Commissioners, Port Wardens, and Harbor Masters.

The Governor on May 4, just before the final adjournment, sent a special message to the Senate urging action on Murtha one way or the other.<sup>5</sup> He did not question the Senate's right to reject his nomination, but he commented in severe terms on the Tammany tactics that thus held up the enforcement of new laws for the care of immigrants. This rebuke drew from

<sup>5</sup>Lincoln, *Messages from the Governors*, VII, p. 888.

Thomas F. Grady a speech denouncing the Governor for his language toward the Senate and charging that he was using his power to placate McLaughlin.<sup>6</sup> The nominations were not acted upon. Tammany declared that Grady's course was taken on his own personal responsibility, but the Wigwam approved it nevertheless. The leaders said they would not have objected to a County Democrat or a man not in politics at all, but they would not have the McLaughlin organization invading their territory.<sup>7</sup> Just before the fall nominations, much to the surprise of his opponents and the County Democracy, Grady retired on the plea of ill-health. On the eve of election it became known that Cleveland had written to Kelly saying that he was "anxious that Mr. Grady should not be returned to the next Senate," for his "personal comfort and satisfaction" and also because good legislation was involved.<sup>8</sup> So Kelly, anxious to preserve his regularity and avoid a complete break with the administration, temporarily retired Grady. The opposition press made much of the incident, and particularly the phrase about "personal comfort."

The Republicans entered the campaign in a spirit of chastened harmony. Both factions were intent on composing their differences. At the State convention held in Richfield Springs on September 19, the Senators representing the two wings of the party shared the honors. Lapham was temporary and Miller perma-

<sup>6</sup>New York Tribune, May 5, 1883.

<sup>7</sup>New York Tribune, October 25, 1883.

<sup>8</sup>New York World, November 2, 1883.

nent chairman. Miller's democratic habits and progressive leadership appeared in sharp contrast with Conkling's aloof and dominating manner. He proposed to increase greatly the number of delegates to the State convention and to make the body more democratic by abolishing intermediate conventions and having the State delegates elected directly by the voters. The State committee was ordered to consider this plan and report at the next convention.<sup>9</sup> The platform approved Arthur's administration, expressed satisfaction in the progress of civil service reform, asked for legislation to check monopolies, and arraigned the Democratic party for extravagance in the creation of many new offices and for cowardice in failing to deal radically with the contract labor problem. It also favored a reorganization of the party in New York City on a plan that was subsequently carried out. This substituted enrollment and a pledge of general support for the requirement that a voter join a party club and pledge support of all candidates to be nominated. This enrollment resulted in an organization of over 23,000 voters, still less than half of the party vote in the city.

The new atmosphere of the convention was emphasized by the fact that Thomas C. Platt and John F. Smyth were left off the State committee. The only contest was over the nomination for State Treasurer. The New York delegation proposed Ethan Allen, but opposition developed on the ground that he had been a Liberal and a supporter of Greeley, and the nomina-

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<sup>9</sup>New York *Times*, September 20, 1883.

tion went to Pliny T. Sexton. For the rest, the old ticket was nominated.<sup>10</sup>

The Democrats held their State convention at Buffalo on September 27 with Alfred C. Chapin as temporary and Thomas C. Benedict as permanent chairman. Tammany had resisted all the efforts of the State committee to induce it to enter into general primaries and establish a single organization in New York. It sent a separate delegation of its own, which the State committee felt obliged to recognize. The committee gave the County Democracy 38, Tammany 24, and Irving Hall 10 seats on the temporary roll. Edward Murphy, Jr.'s, delegation from Rensselaer was seated, and anti-Manning delegates from Oneida and Onondaga were admitted. Nevertheless, after all these concessions, a test showed that Manning was in control by a vote of 280 to 93.

William Purcell again appeared as a candidate for Secretary of State. G. H. Lapham and Roswell A. Parmenter, his associates on the ticket of 1881, sought to make common cause with him in an "old ticket" campaign, but they had no following and Purcell preferred to play a lone hand. Notwithstanding Manning's majority, Purcell was an enemy to be reckoned with. He had been chairman of the State committee, and his paper, the Rochester *Union and Advertiser*, was the leading Democratic organ in that part of the State. He, like the Republican candidate,

<sup>10</sup>The ticket was: Secretary of State, Joseph B. Carr, Rensselaer; Comptroller, Ira Davenport, Steuben; Treasurer, Pliny T. Sexton, Wayne; Attorney-General, Leslie W. Russell, St. Lawrence; State Engineer, Silas Seymour, Saratoga.

General Carr, was a Roman Catholic, and the expediency of pitting them against each other and thus making any appeal to religious prejudice impossible was apparent. Moreover, Purcell had a grievance in the refusal of Cleveland to appoint him to the Railroad commission, which it might have been politic to assuage. Manning nevertheless determined to assert his power by nominating Isaac H. Maynard of Delaware. He succeeded by a vote of 209 to 173, though Purcell, besides receiving the Tammany and anti-Manning vote, also had considerable support from among the regulars in western New York. Manning also picked Speaker Chapin for Comptroller, obtained for him the reluctant support of the Brooklyn delegation, which really wanted William H. Catlin for Treasurer, and nominated him over James Mackin and Frederick A. Conkling, who was proposed by W. Bourke Cockran on behalf of Irving Hall. Treasurer Maxwell was renominated by acclamation and Manning was thus assured that one of his most valuable assistants, Edgar K. Apgar,<sup>11</sup> would be continued as Deputy Treasurer.<sup>12</sup> The platform indorsed the Cleveland administration and pointed with pride to its reforms.

The fire of Cleveland's and Manning's enemies in the Democratic party was centered on Maynard. Tammany and the Germans, who favored liberal excise laws, charged that in the Legislature he had always

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<sup>11</sup>New York *Times*, September 27, 1883.

<sup>12</sup>The ticket was: Secretary of State, Isaac H. Maynard, Delaware; Comptroller, Alfred C. Chapin, Kings; Treasurer, Robert A. Maxwell, Genesee; Attorney-General, Denis O'Brien, Jefferson; State Engineer, Elnathan Sweet, Albany.

voted against any removal of excise restrictions. Efforts were also made to play upon religious prejudice by representing him as a bigoted Protestant who had been chosen in preference to Purcell. Kelly and Purcell both stayed away from the great Democratic gathering of editors and others in Albany on October 12, which was intended to stir up enthusiasm for the ticket, and, by Manning, to bring the Democratic press of the State in line for a Cleveland Presidential movement. Erastus Corning presided over this meeting, while Roswell P. Flower, Edgar K. Apgar, and St. Clair McKelway were conspicuous speakers.

The election returns were a severe blow to Manning. He indeed carried the bulk of his ticket through by pluralities ranging from 13,000 to 18,000, but Maynard was beaten by 18,583. The vote stood: Carr, 446,108; Maynard, 427,525; Thomas K. Beecher of Chemung (Greenback), 7,221; Frederick Gates of Herkimer (Prohibitionist), 18,816. The Democrats lost both houses of the Legislature, the Senate standing 19 Republicans to 13 Democrats and the Assembly 72 Republicans to 56 Democrats. Tammany won three of the ten Democratic Senators in New York City and eight of the fifteen Democratic Assemblymen. The proposition to abolish contract labor in prisons was carried by a popular majority of 138,916. Of this 104,476 came from New York City, where among the labor unionists the sentiment against the competition of prison-made goods with the product of free labor was strongest.

Seth Low was reëlected Mayor of Brooklyn over Joseph C. Hendrix by a plurality of 1,842. Though Tammany and the County Democracy fought over the legislative ticket, they joined forces on the local ticket and successfully divided the rich local offices between them, although they had to face much criticism of Mayor Edson's appointments, many of which were bad, not so much because of the nature of his own standards as because of his meeting the standards of the Aldermen who had to confirm them. The County Democracy also had to face the scandal growing out of the discovery of frauds amounting to over \$150,000 in the repayment of improperly cancelled coupons by a clerk in the office of Comptroller Allan Campbell, who soon after resigned on the ground of ill-health.

## CHAPTER XXIV

### THE NOMINATION OF BLAINE

1884

THE Republican recovery of the Legislature led to a spirited contest for the Speakership. Theodore Roosevelt, who had received the complimentary minority nomination the year before, made an energetic personal campaign. His achievements as a young reformer, who represented the idea of high-minded legislative efficiency, made his candidacy popularly attractive. Political leaders, however, were loath to entrust the Speakership in a critical Presidential year to a man only twenty-five years old, inclined to upset traditions. Opposed to him were Titus Sheard of Herkimer, George Z. Erwin of St. Lawrence, and DeWitt C. Littlejohn of Oswego. Before the vote was taken in caucus on New Year's eve, Erwin threw his strength to Roosevelt and Littlejohn threw his to Sheard. This gave Sheard the nomination by 41 votes to Roosevelt's 29. Sheard was Warner Miller's candidate. As Miller was an ardent Blaine adherent the Speakership contest was regarded as a strategic victory for Blaine in the Presidential arena.

Investigations of New York City government occupied a large share of the Legislature's attention.

Senator Frederick S. Gibbs of New York headed a Senate committee that investigated the Department of Public Works without accomplishing substantial reforms. Theodore Roosevelt as chairman of the Assembly city committee conducted an inquiry into the New York county offices, and reported bills placing the County Clerk and Register on salary and turning the fees into the treasury; also bills regulating the fees of the Surrogate's and Sheriff's offices. The collection of unlawful and extortionate fees had come to be one of the crying abuses in all these record offices. The bills were so imperfectly drawn, however, that Governor Cleveland asked to have them recalled for correction and then signed them, despite defects that, though pointed out, had not been eliminated. The Governor also signed a bill giving the Mayor of New York the right to appoint subordinates without confirmation by the Aldermen. Provisions of the Civil Service law were extended to all cities of more than 50,000 inhabitants.

The Presidential election of 1884 brought forward three Republican candidates to contest for the New York delegation. President Arthur was in the field for an elective term, with the support of the Federal office-holders and most of the leaders of his old New York City organization. But he faced the bitter hostility of the most influential leaders of the old Stalwarts. Although Arthur had loyally stood by Conkling in his quarrel over Robertson and gone to Albany to aid in his reëlection, the shooting of Garfield worked in him a complete change. He felt that it was no longer seemly

for him to engage in a factional struggle against the President, whom he might at any moment be called upon to succeed. Cut to the quick by the popular criticism and suspicion naturally evoked by the assassin's declaration that he shot Garfield because he was a Stalwart and wanted to see Arthur President, he determined to live up scrupulously to his new responsibilities. Conkling and Platt could tolerate this show of respect for public opinion, but when, on the death of Garfield in September, Arthur refused their demands for the removal of Robertson because he felt bound to uphold his predecessor's act and did not think it right to plunge the country again into a factional quarrel, both Conkling's and Platt's wrath was beyond bounds. Conkling still showed the arrogance that had lost him the friendship of every Republican leader of high character and great ability excepting Hamilton Fish.<sup>1</sup> He would not see that this was the one thing Arthur could not do for him, coming to the Presidency as he did. Subsequently, on the retirement of Justice Ward Hunt, Arthur offered the appointment of Justice of the United States Supreme Court to Conkling, who repelled the advance, and Samuel Blatchford was appointed in his stead. Conkling took no open part in the fight, but it was noticed that the Utica delegation in the State convention to choose national delegates was against Arthur.

To the standard of James G. Blaine rallied most of the Half-breeds and such anti-Arthur Stalwarts as could forget their animosities, as Conkling could not.

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<sup>1</sup>George F. Hoar, *Autobiography*, II, p. 57.

Conspicuous among these was Thomas C. Platt, who afterward said that he took this course not because he cared for Blaine, but because he was determined to beat Arthur.<sup>2</sup> Warner Miller led the Blaine forces, and ex-Governor Cornell and Whitelaw Reid worked with him. Senator George F. Edmunds of Vermont had a small body of supporters, mostly younger reformers who disliked machine methods on the one hand and distrusted Blaine's character on the other. They were joined by some practical politicians, who doubted the expediency of nominating either of the leading candidates. Theodore Roosevelt, James W. Wadsworth, George Z. Erwin, Henry F. Tarbox of Genesee, and Theodore B. Willis of Kings were active in the Edmunds leadership. When the State convention met at Utica on April 23, no faction could control it. Blaine had the largest number of delegates, but Miller lacked quickness and skill in leadership. Arthur stood second, while the Edmunds forces held the balance of power. The candidates for delegates-at-large most talked of by the Blaine men were Miller, Reid, Cornell, and Hiscock.

The Edmunds men sought an agreement with the Blaine leaders on a compromise ticket, and on the night before the convention the New York *Tribune* correspondent said that it looked like Miller, Cornell, and two Edmunds men, George B. Sloan and probably Wadsworth. But on that night the Brooklyn delegation by a vote of 20 to 1 decided to back Edwin Packard, an Edmunds man, instead of Benjamin F. Tracy, an

<sup>2</sup>Platt, *Autobiography*, p. 181.



#### WARNER MILLER

Warner Miller; born in Oswego county, N. Y., August 12, 1838; graduated from Union college in 1860; taught in the Fort Edward collegiate institute; enlisted as private in the 5th New York cavalry, 1861; served in the Shenandoah Valley campaign; promoted to be sergeant major and lieutenant; taken prisoner at the battle of Winchester; exchanged and honorably discharged; engaged in the manufacture of paper and farming; delegate to the republican national convention at Philadelphia in 1872; elected to the New York state legislature in 1874 and 1875; elected as a republican to the 46th and 47th congress and served from March 4, 1879 until his resignation before the assembling of congress in 1881; elected to the United States senate, July 16, 1881 to fill vacancy caused by the resignation of Thomas C. Platt and served from November 11, 1881 until March 3, 1887; died in the City of New York, March 21, 1918.



Arthur man. This offer of votes stiffened the Edmunds leaders and they would not agree to Miller's picking Sloan or anybody else for them. They put up four candidates, and then went to Miller asking that he put two of them on the Blaine ticket, in return for which, if after two ballots they did not elect their whole four, they would support the Blaine men for the other two places. This meant for the Blaine people to give something for nothing, since it was evident that their two delegates would never be elected, for the Arthur and Edmunds strength would have been combined on the second ballot to beat Blaine after the Blaine men had been used for Edmunds.<sup>3</sup> At the same time the Arthur people sought a combination with the Blaine forces on Henry Ward Beecher and Philip Becker of Buffalo to represent Arthur, with Miller and Reid to represent Blaine.<sup>4</sup> But this offer was rejected. Then James D. Warren of Buffalo, chairman of the State committee and leader of the Arthur faction, sought a combination with the Edmunds forces. After Roosevelt and his friends had rejected an offer of two and then three of the four delegates, Warren finally conceded them the whole four rather than see any Blaine men elected.

The first trial of strength in the convention came on the election of the temporary chairman. Miller nominated Edmund L. Pitts of Orleans, while Roosevelt proposed Nathaniel C. Boynton of Essex. Some of the Edmunds men in western New York went for

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<sup>3</sup>New York Tribune, April 26, 1884.

<sup>4</sup>New York Tribune, April 23, 1884.

Pitts, but the bulk of the Arthur and Edmunds strength was concentrated on Boynton, who won by 251 to 240 votes. For delegates-at-large, Theodore Roosevelt received 472, Andrew D. White 407, John I. Gilbert of Franklin 342, Edwin Packard of Kings 256. These four were elected. Both Roosevelt and White received many Blaine votes. Miller came within a few votes of election, receiving 243, the full Blaine strength, while Cornell had 228. The convention, seeking a union with the Democrats on Judges of the Court of Appeals, the only State offices to be filled, nominated Charles Andrews, Republican, and Charles A. Rapallo, Democrat, to succeed themselves. Rapallo was considered the greatest jurist of the original court. Andrews was also a member of the original court, destined after a distinguished career as Associate and Chief-Judge to long years of graceful and venerated eminence. The platform adopted called for a protective tariff, the safeguarding of civil rights of all citizens, and Federal aid to education in recognition of the obligation to care for the uneducated freedmen who were a burden on the southern States. It also called for suspension of silver coinage.

The Blaine men had been outgeneralled in the State convention and had only a minority of the district delegates. Nevertheless they went to Chicago confident of victory. In combination with the Edmunds group they chose George William Curtis chairman of the delegation. Arthur's prestige had at least been broken, and they did not seriously fear Edmunds or a dark horse. The national convention assembled on June 3,

and the first test of strength came over the selection of the temporary chairman. The national committee proposed General Powell Clayton of Arkansas. The suggestion came from an Arthur man. But when Clayton's friendliness toward Blaine was discovered, the Edmunds people, under the lead of Henry Cabot Lodge and Theodore Roosevelt, who appeared for the first time before a national convention and whose "square head" and "nervously forcible gestures" were even then remarked, arranged a clever stroke in proposing John R. Lynch of Mississippi, an educated negro who had served in Congress, and appealed for him as a representative of the race enfranchised by the Republican party. The friends of Blaine and John A. Logan went for Clayton, but the followers of Edmunds, Arthur, and John Sherman concentrated on Lynch, who was elected, 424 to 384. The New York delegation stood, Clayton 26, Lynch 46. The opposition to Blaine also won a tactical victory in the selection for permanent chairman of General John B. Henderson of Missouri, who was nursing a boom for General Sherman. But there its success ended.

On the first ballot Blaine was well in the lead, with  $334\frac{1}{2}$  votes. Arthur had 278, Edmunds 93, Logan  $63\frac{1}{2}$ , Sherman 30, Joseph R. Hawley 13, Robert T. Lincoln 4, and General W. T. Sherman 2. Two ballots were taken without material change, Blaine's vote rising to 349 and then to 375. He made scattering gains in about equal measure from the other candidates. At the end of the third ballot word was received that Logan had sent a telegram withdrawing and urging

support of Blaine. This made his nomination certain and brought to him all the seekers for a place on the winning side. The fourth ballot gave him an overwhelming majority, the vote standing: Blaine, 541; Arthur, 207; Edmunds, 41; Logan, 7; Hawley, 15; Robert T. Lincoln, 2. Logan was nominated for Vice-President without opposition.

## CHAPTER XXV

### CLEVELAND BECOMES PRESIDENT

1884

THE nomination of Blaine and the evident disposition of independent Republicans to desert him if the Democrats should nominate a reformer, gave great impetus to the movement for Cleveland throughout the country. As early as December, 1883, Boston Independents began to organize against both Blaine and Arthur, and on February 23, 1884, a conference in New York issued a call to Republicans to nominate a candidate commanding the confidence of the voters in his readiness to divorce public service from party politics, and a committee headed by General Francis C. Barlow undertook to circularize Republican delegates.<sup>1</sup>

Soon after Cleveland's assumption of the Governor's chair, Manning began a campaign to make him President. The Governor had little faith in the movement and only consented to run in case either Blaine or Arthur were nominated. Manning's work was cleverly organized to secure publicity throughout the country for the Governor's work as a reformer. In creating a widespread interest in and respect for Cleveland as a

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<sup>1</sup>New York *Times*, February 24, 1884.

Presidential possibility, Manning, Lamont, and Apgar were highly successful, but the practical task of getting a solid Cleveland delegation from New York was one of extreme difficulty and was only accomplished by the most masterly political tactics, by daring, by concessions, and by ruthless abandonment of friends.

Manning was embarrassed in the first place by Tilden's attitude. He knew that Tilden could not run, but from State after State came calls for his leadership. So long as he was not formally out of the field New York could not well present another candidate. Taking advantage of his silence, others were getting second choice pledges. Roswell P. Flower had been particularly active in this respect and threatened to defeat Cleveland in New York if it came to a trial of strength between them. Faced by this emergency, Manning, at the request of Cleveland, went to New York early in June and requested John Bigelow to go with him and ask Tilden for a letter of withdrawal. They found in Tilden the same dislike for finalities that he had shown in 1880. Bigelow thought he felt some delicacy in withdrawing before the State convention had asked him to be a candidate, and likewise thought he had some hesitation in committing himself to a man so little experienced in politics as Cleveland.<sup>2</sup> When he was convinced of the need of action, if his friends were not to be committed on second choice to the schemes of Kelly and Flower, he reluctantly promised to write a letter of positive withdrawal, and did so on June 12.

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<sup>2</sup>Bigelow, *Life of Samuel J. Tilden*, II, p. 281.

Meanwhile Manning's enemies had made good use of the time, and when the convention assembled at Saratoga on June 18 he found himself without a stable majority and under the necessity of winning votes in every corner by concession if he were to gain even an ostensible victory for Cleveland. He sedulously avoided every test vote. He had with him Hubert O. Thompson of the County Democracy and Sheriff Davidson of Irving Hall. But Kelly was in opposition and Hugh McLaughlin was non-committal. The State committee had arranged to admit Tammany and Irving Hall on the same terms as in the last two conventions. But Kelly demanded that seven votes be taken from the representation of the County Democracy and given to him, placing the two organizations on an equality.<sup>3</sup> McLaughlin supported this demand and Manning yielded to it. They were both opposed to instructions, but Manning finally won McLaughlin over to the application of the unit rule, under which the whole vote of the State delegation would be cast according to the decision of its majority.<sup>4</sup> George Raines led a Cleveland delegation from Monroe county, but its seats were contested by Purcell. Learning that some thirty organization delegates, including a son of Senator Kernan, would desert him on the Purcell issue, into which some religious feeling had been injected, Manning decided that he would have to throw Raines overboard and offered him up as a concession

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<sup>3</sup>New York *Times*, June 19, 1884.

<sup>4</sup>New York *Tribune*, June 19, 1884.

for the exclusion of the Flower delegates from St. Lawrence.<sup>5</sup>

Thus at all possible points he avoided any trial of strength. The only issue he made was with Kelly over the proposal to send Dorsheimer to the national convention as a delegate-at-large. Cleveland wanted Dorsheimer, although at this time allied with Tammany, to present his name. Kelly, however, insisted that he must be the delegate-at-large if any Tammany man was sent, and that Dorsheimer could go in his place as district delegate. Manning would not consent to Kelly, and the deadlock was finally broken by Dorsheimer's departure for New York full of resentment toward Kelly.<sup>6</sup> The delegates-at-large were Daniel Manning, Edward Cooper, both Cleveland men; Lester B. Faulkner, a Flower man; and John C. Jacobs, uncommitted. Dorsheimer was made an alternate, and the honor of presenting Cleveland's name fell to Daniel N. Lockwood. Andrews and Rapallo were agreed upon for the Court of Appeals, and the platform, after reaffirming the declarations of 1874, 1876, and 1882, commended the administration of Cleveland and declared for the abolition of contract labor in prisons.

Manning won a Pyrrhic victory at Saratoga. He was by no means sure of controlling the New York delegation and of being able to cast its 72 votes for Cleveland under the unit rule. Without that he could not win Democrats from other States, much as they were inclined to accept a man who seemed able to win

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<sup>5</sup>Hudson, *Recollections of an Old Political Reporter*, p. 156 *et seq.*

<sup>6</sup>Hudson, *Recollections of an Old Political Reporter*, pp. 156, 157.

independent Republican support. Even if he could outvote the opposition and prevent the State support being given as a unit to Flower, an exhibition of open hostility by the New York minority on the floor of the convention threatened disaster. Moreover, Tammany had sent agents to Chicago, where the convention met on July 8, to circulate reports that Cleveland was hostile to Roman Catholics. Manning had countered this stroke by sending several Roman Catholic appointees of Cleveland to tell their story to the delegates.<sup>7</sup> Not until he had won over McLaughlin and made sure of eight votes from Kings county, did he dare test his strength in a meeting of the delegation. An informal ballot gave Cleveland 46 votes, Flower 23 (2 by the delegates-at-large, Jacobs and Faulkner), and 1 each for Tilden, Bayard, and Thurman. Purcell, Edward Murphy, Jr., of Troy and Elliot Danforth of Chenango went with Tammany for Flower. A formal vote gave Cleveland 47, Flower 1, Bayard 9, Slocum 15. Tammany then made a fight against the unit rule, but many of its own friends would not so depart from Democratic tradition, and it was voted down, 61 to 11<sup>8</sup>. Kelly carried his fight against the unit rule into the convention, and was there voted down, 463 to 332.<sup>9</sup> Governor Richard B. Hubbard of Texas was made temporary and William F. Vilas of Wisconsin permanent chairman of the convention. After Daniel N. Lockwood had presented Cleveland's name, Grady, on behalf of

<sup>7</sup>Hudson, *Recollections of an Old Political Reporter*, p. 162.

<sup>8</sup>New York Tribune, July 8, 1884.

<sup>9</sup>Official Proceedings, p. 39.

Tammany, though he was being voted for Cleveland, made a bitter speech in opposition, declaring that the Irish, the Roman Catholics, and the labor interests were against him. In reply General Bragg of Wisconsin declared that the young men of his State loved Cleveland for the enemies he had made.

On the first ballot Cleveland had 392 votes, Bayard 170, Joseph E. McDonald of Indiana 56, Samuel J. Randall 78, Allen G. Thurman 88, John G. Carlisle 27, George Hoadly 3, Thomas A. Hendricks 1, Samuel J. Tilden 1, Roswell P. Flower 4. An overnight adjournment was taken with every prospect of Cleveland's nomination. The next day the opposition attempted to stampede the convention to Hendricks. Having control of the ticket arrangements, they packed the galleries with their adherents, but Manning had timely warning and the word was passed to all the Cleveland forces not to let themselves be fooled into any complimentary demonstration for Hendricks, but to sit in silence and weather the storm. These tactics succeeded.<sup>10</sup> The demonstration was started and Tammany joined in, but the Cleveland men could not be stampeded, and the second ballot gave Cleveland his two-thirds vote. The vote was: Cleveland, 683; Bayard, 81½; Hendricks, 45½; Thurman, 4; Randall, 4; McDonald, 2. Hendricks was nominated for Vice-President by acclamation.

The campaign that followed was one of extreme personal bitterness. The New York *Times* bolted the

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<sup>10</sup>New York *Tribune*, July 12, 1884; Hudson, *Recollections of an Old Political Reporter*, p. 172.

Republican ticket, and Independent Republicans like George William Curtis, Carl Schurz, and Henry Ward Beecher declared for Cleveland. Curtis in seconding Edmunds's name to the Republican national convention had characterized the Democratic party as "very hungry and, as you may well believe, very thirsty; a party without a single definite principle; a party without any distinct national policy which it dares to present to the country; a party which fell from power as a conspiracy against human rights, and now attempts to sneak back to power as a conspiracy for plunder and spoils." He had not opposed making Blaine's nomination unanimous; he had opposed an earlier resolution pledging every delegate to support whoever might be nominated as unnecessary among honorable men; and the New York *Tribune* reported him as giving the impression to William Walter Phelps after the nomination that, while disappointed, he would support the action of the convention. Consequently his defection was more deeply resented than that of any other Republican leader. In the struggle the old charges with regard to Blaine's railroad speculations while in Congress were revived and amplified. On the other hand, Republicans made charges of immorality against Cleveland, which he met by the frank order to his friends to "tell the truth" about his early faults. This method of attack awakened sympathy for him, though his old enemy, Purcell, who had been nominated for Elector, found in it an excuse for publicly denouncing Cleveland as a "moral leper," an epithet that he later retracted. He had already withdrawn from the ticket and temporarily

from the editorship of the Rochester *Union and Advertiser*.<sup>11</sup>

Cleveland spent most of the summer at his executive duties, attending a few demonstrations in New York City and elsewhere. Blaine made addresses through New York, Ohio, Indiana, Michigan, and West Virginia. As election approached it was evident that the contest was a close one, and that the result depended on New York. Democratic canvasses gave the State to Blaine. Tammany was openly charged with being in league with General Benjamin F. Butler, who had been nominated by a National Anti-Monopoly convention at Chicago on May 14, and by the Greenback party at Indianapolis on May 27, but had not accepted these nominations till after he had gone to the Democratic national convention as a delegate and there been defeated in an attempt to commit the party in its platform squarely to a protective tariff. Charles A. Dana from personal dislike of Cleveland threw the New York *Sun* to the ostensible support of Butler, but to the real support of Blaine. Tammany reluctantly remained loyal to Cleveland at the personal solicitation of Hendricks.<sup>12</sup> The Republicans, on the other hand, considered that the Prohibition candidacy of ex-Governor John P. St. John of Kansas was being carefully fostered by the Democrats to offset the Tammany and Greenback defection. The Republican State platform of 1883 had promised to submit a Prohibition amend-

<sup>11</sup>New York *Tribune*, July 16, 1884; Rochester *Union and Advertiser*, August 9, and New York *Tribune*, August 10, 1884.

<sup>12</sup>E. B. Andrews, *The Last Century in the United States*, II, p. 88.

ment, and though Roosevelt introduced such a bill in the next session it failed, and the failure made votes for St. John in New York.<sup>13</sup>

A week before election an incident occurred that was adroitly used by Manning and Lamont. A delegation of clergymen called on Blaine at the Fifth Avenue Hotel in New York on October 30 to present an address. Among them were Roman Catholics, including the Rev. Sylvester Malone of Brooklyn. Blaine had been asked to designate their spokesman, and he had suggested that the oldest clergyman present speak, so the lot fell to the Rev. Dr. Samuel D. Burchard, a Presbyterian.<sup>14</sup> Dr. Burchard, whose political acumen was not equal to his age, in the course of his talk described the Democracy as the party of "Rum, Romanism, and Rebellion." Blaine, whose mind was intent upon his own speech of reply, perhaps did not notice the phrase, or else thought it less dangerous to pass it by than call attention to it, but Democratic agents, who followed the Blaine meetings on the lookout for material, did, and in a few hours they had the expression placarded all over the State. Before Blaine knew of it, it was too late for any repudiation to have weight.<sup>15</sup> This incident checked a tendency of Irishmen, Roman Catholics, and labor men to make good Grady's threat against Cleveland, and cost Blaine several thousand votes and with them New York State

<sup>13</sup>New York *World*, September 9, 10, 1884.

<sup>14</sup>Francis Curtis, *The Republican Party*, II, p. 158.

<sup>15</sup>Stanwood (*History of the Presidency*, I, p. 440) doubts if Blaine heard the words, but A. K. McClure (*Our Presidents and How We Make Them*, p. 311) reports Blaine as saying he did hear but did not realize the necessity for an immediate disclaimer.

and the Presidency. Cleveland had 219 and Blaine 182 Electoral votes. The popular vote was: Cleveland, 4,912,696; Blaine, 4,849,680; St. John, 151,830; Butler, 133,824. The highest Blaine Elector in New York received 562,005, while 25,006 votes were cast for the St. John and 17,004 for the Butler ticket. The pluralities of the Cleveland Electors ran from 1,047 to 1,149, so that less than 600 votes would have changed the result in the nation. The Republicans asserted that the large corrupt vote cast by John Y. McKane in Gravesend, Kings county, was enough to determine the result, and subsequent revelations as to McKane's methods went far to justify the assertion. Blaine also suffered from the quiet hostility of Conkling, which was plainly discernible in the returns from Oneida county. The Republicans won 17 of the 34 seats in Congress. The Assembly stood 73 Republicans to 55 Democrats. The hold-over Senate stood 19 Republicans to 13 Democrats. Thus the election of a Republican to succeed Senator Lapham was assured.

A constitutional amendment restricting the power of cities of over 100,000 population to incur indebtedness beyond ten per cent. of their assessed real estate valuation was carried by a vote of 499,661 to 9,161. In New York City Tammany Hall nominated Hugh J. Grant for Mayor, while the County Democracy and Irving Hall supported the nomination of ex-Mayor William R. Grace made by a citizens' committee. The Republicans nominated Frederick S. Gibbs. Grace received 96,288, Grant 85,361, Gibbs 44,386, Crittenden (Prohibitionist) 501.

## CHAPTER XXVI

### HILL COMES TO POWER

1885

THE spirited contest for Senator Lapham's seat occupied the attention of the State at the beginning of 1885 almost as much as slate-making for President Cleveland. The Senatorial rivalries complicated the selection of a Speaker. George Z. Erwin of St. Lawrence was the candidate of the old Stalwart element, which Thomas C. Platt was beginning to reorganize as a step to the domination of the party that he subsequently exercised. With him were ex-Governor Cornell, Senator J. Sloat Fassett, ex-Attorney-General Leslie W. Russell, and Silas B. Dutcher. The opposition was divided among Walter S. Hubbell of Monroe, William T. O'Neil of Franklin, Walter Howe of New York, N. Martin Curtis of St. Lawrence, and James W. Husted of Westchester. Hubbell was supported by Arthur, Miller, Hiscock, and Roosevelt. By his opponents his candidacy was represented as a movement to make Arthur Senator, but his friends denied this, and he, like all the other candidates, promised not to use the Speakership to influence the election of the Senator. On the eve of the caucus all the candidates opposed to Erwin except Hubbell withdrew

and sought to transfer their strength to him. But the St. Lawrence men who had been pledged to Curtis immediately went to the other St. Lawrence candidate, and Assemblymen from Chautauqua and Cattaraugus, who had been counted for Hubbell, finding that Frederick S. Gibbs and other New Yorkers who were essential to success were going over to Erwin, also deserted, and on January 5, the day of the caucus, Hubbell sent to Erwin his congratulations.<sup>1</sup> Erwin's election aided Platt's campaign to send Levi P. Morton to the Senate, and for some days his success seemed probable. But the opposition, which had been divided among Hiscock, Leslie W. Russell, and William M. Evarts, concentrated on Evarts before the caucus of January 19,<sup>2</sup> and, in spite of Stalwart attacks upon him as a poor Republican from the politician's point of view, the anti-machine sentiment and the popular demand for a representative of eminence, voiced by such organizations as the Union League Club of New York, gave Evarts 61 votes in the caucus to 28 for Morton and 2 for Depew. The Democrats cast their vote for Edward Cooper.

Governor Cleveland resigned at the opening of the Legislature on January 6, and David B. Hill took the Executive chair. His methods were in sharp contrast to those of Cleveland. He was a readier and more acute man than his predecessor, but his political conduct was controlled by no such ethical principle as marked Cleveland's course and accounted for his fame. He was

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<sup>1</sup>New York Tribune, January 6, 1885.

<sup>2</sup>New York Tribune, January 17, 1885.



JOHN M. FRANCIS

John M. Francis, journalist; born in Prattsburg, Steuben county, N. Y., March 6, 1823; apprenticed to a printer at the age of 14; became editor of the Wayne Sentinel at Palmyra, 1843; editorial writer on Rochester Advertiser, 1845; Troy Budget, 1846; established the *Troy Times* in 1851; city clerk of Troy, 1851-1855; delegate to constitutional convention, 1867-1868; appointed by President Grant minister to Greece, 1871; resigned, 1873; minister to Portugal, 1882-1884 and to Austria-Hungary, 1884-1885; member of state constitutional convention of 1895; died in Troy, N. Y., June 18, 1897.





WILLIAM RUSSELL GRACE

William Russell Grace, mayor; born Queenstown, Ireland, May 10, 1832; ran away from school at 14 and worked his way on a sailing vessel to New York; in 1865 organized the firm of W. R. Grace & Co. leading firm in South and Central American trade; established the New York and Pacific Steamship company, 1891; mayor of New York City in 1881-1882 and 1885-1886; in 1897 founded Grace institute for affording women and girls a practical education in stenography, dressmaking, millinery, domestic science, etc.; died in New York City, March 28, 1904.



an able, forceful Executive. His financial integrity was beyond question and his plans of administration businesslike and economical. He did not care for wealth, but for political power and party success, and he followed his ambition with a daring that his enemies called cynicism and his friends scorn of hypocrisy. Scholarly in taste, almost ascetic in habit, serious and sarcastic, witty without being humorous, with a poor memory for names and faces, by sheer adroitness, intellectual force, and practical talent for tying other men's interests to his he dominated his party for a decade.

Hill's first message revealed a disposition to make strictly partisan use of his power, and he early devoted himself to building up an organization for his own advancement. Controversy soon developed with the Legislature over the enumeration required by the Constitution. Hill recommended that the enumerators be appointed by the County Clerks under civil service regulations and that nothing but a mere count of the people be made. The Legislature, keeping the law of 1855, which had been the model for all subsequent enumerations, in mind, proposed that the census should be taken by the Secretary of State and that a great variety of statistics be collected. The Governor vetoed this bill and then endeavored to get his own plan adopted at a special session and, failing, vetoed the special session bill.<sup>3</sup> So no census was taken. This Legislature provided for a Forestry commission to take over and administer the Adirondack Reservation, as a commission appointed in 1884 recommended. It also

<sup>3</sup>Lincoln, *Messages from the Governors*, VIII, pp. 40, 66, 84, 132, *et seq.*

provided for the transfer to the State at a cost of over \$1,000,000 of the lands needed to protect Niagara Falls.

Hill did not commend himself to the national administration. He did not follow in Cleveland's footsteps either in matters of policy or patronage. Cleveland had declined to appoint William Purcell to the State Railroad commission, but one of Hill's first acts was to place him on the new Arbitration commission, which was this year established for the composition of labor troubles. Cleveland resented this and he also disapproved of Hill's dispute with the Republican Legislature and his calling of an extra session. Cleveland's own course, however, made it possible for Hill to impose himself on the party. Cleveland early lost the sympathy of Tilden and studiously ignored his advice.<sup>4</sup> He unwillingly offered Manning the Treasury department, and Manning unwillingly accepted on the urgency of Tilden that it was a duty, although Tilden's first choice for the Treasury had been John Bigelow.<sup>5</sup> On his own motion he gave the Navy department to William C. Whitney without any regard to Tilden's views and over the protest of George Jones of the *New York Times*.<sup>6</sup> In the cabinet Manning found himself ill at ease and unable to reward his friends. Hubert O. Thompson, the chief of the County Democracy, having been displaced from the city Department of Public Works, wanted to be Collector of

<sup>4</sup>Bigelow, *Life of Samuel J. Tilden*, II, ch. ix.

<sup>5</sup>Bigelow, *Letters and Memorials of Samuel J. Tilden*, II, p. 676.

<sup>6</sup>Bigelow, *Letters and Memorials of Samuel J. Tilden*, II, pp. 666, 668.

the Port, but Cleveland would not yield to Manning's plea.<sup>7</sup> Manning was finally forced to consent to the appointment of Edward L. Hedden, a merchant of no political experience. But when in March, 1886, Hedden's failure made a change imperative, he again urged recognition of Thompson with great vehemence. Cleveland was obdurate, and Manning left the White House in a state of chagrin and anger, which brought on an apoplectic stroke as he climbed the steps of the Treasury to his office.<sup>8</sup> From his invalid's retreat, where he lingered for a few months, he acquiesced in Cleveland's suggestion of a compromise on Daniel Magone. He nominally retained the Treasury department until April, 1887, but took no more active part in politics and died on December 24. Meanwhile Tilden had passed away, on August 4, 1886.

Manning and Whitney wanted to run Edward Cooper for Governor, but McLaughlin would not consent to this, for it meant the sway of Thompson and the County Democracy over the whole State, and he regarded himself a coördinate leader with Thompson. He did not like Hill, though the Governor had tried to conciliate him by vetoes of Brooklyn reform bills. When the Democratic State convention met at Saratoga on September 24, under the chairmanship of George Raines, Hill's manipulation of the rural counties and the skillful advantage he had taken of Democratic disappointments over Cleveland's handling

<sup>7</sup>New York *Tribune*, June 28, 1885.

<sup>8</sup>New York papers, March 24, 1885; Hudson, *Random Recollections of an Old Political Reporter*, p. 270.

of patronage were apparent. The County Democracy sought by a filibuster to put over the vote for Governor until the second day, in hope of strengthening the opposition to Hill. But they were defeated on a motion to adjourn late at night, by 231½ to 148½, the Kings county vote being thrown against Hill.<sup>9</sup> The County Democracy kept up its fight to the last, concentrating its vote for Governor on Hewitt, but Hill was nominated, receiving 338 to 33 for Hewitt, 8 for Slocum, and 1 for Flower.<sup>10</sup>

The platform commended both the Cleveland and Hill administrations, and favored the suspension of silver coinage and such a revision of the tariff as would protect labor by adjusting duties to cover increased cost of production in this country due to higher wages than were paid abroad. It favored civil service reform, but declared for provisions to preserve the appointing power of executive officers and for preference to veterans. It repeated the demand for the abolition of contract labor in prisons. Flower, with scarcely disguised contempt, immediately declined to run for Lieutenant-Governor. With no training in public life except a term in Congress, he had blossomed forth as a Presidential candidate, had had aspirations for the Governorship as a second choice, and could not look

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<sup>9</sup>New York *Tribune*, September 25, 1885.

<sup>10</sup>The ticket was: Governor, David B. Hill, Chemung; Lieutenant-Governor, Roswell P. Flower, New York (declined, and Edward F. Jones, Broome, substituted); Secretary of State, Frederick Cook, Monroe; Comptroller, Alfred C. Chapin, Kings; Treasurer, Lawrence J. Fitzgerald, Cortland; Attorney-General, Denis O'Brien, Jefferson; State Engineer, Elnathan Sweet, Albany.

upon the Lieutenant-Governorship as a consolation prize. Hill would not take John C. Jacobs for his running-mate.<sup>11</sup> He got McLaughlin's consent to Slocum, but Slocum indignantly refused to run, saying he had been commanding a great army when Hill had been sweeping the floor of a law office.<sup>12</sup> So the State committee finally picked Edward F. Jones of Binghamton,<sup>13</sup> a manufacturer of scales, whose extensive advertising had given him the nickname, "Pays-the-Freight" Jones.

The Republican State convention, which met at Saratoga on September 22, was the first one made up, as had been suggested by Warner Miller, to secure the more popular representation of the voters. The membership was increased by 197, making a convention of 694 delegates.<sup>14</sup> The representation was based in part on the Republican vote, so that districts where the largest Republican vote was cast had a corresponding weight in the councils of the party. Warner Miller was temporary and James W. Husted permanent chairman. The absence of any single dominant leadership was more apparent than at any time since the overthrow of Conkling. The most conspicuous candidates for Governor were Joseph B. Carr, James D. Warren, ex-Comptroller Ira Davenport, and Cornelius N. Bliss. Carr and Warren were considered to represent the old Arthur interests, though they had other following.

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<sup>11</sup>New York Tribune, September 25, 1885.

<sup>12</sup>Hudson, *Recollections of an Old Political Reporter*, p. 262.

<sup>13</sup>New York Tribune, September 30, 1885.

<sup>14</sup>Appleton's Annual Cyclopedias, 1885.

Bliss was the favorite of New Yorkers affiliated with the Union League Club. The friends of Cornell rallied around Davenport to beat Warren and Carr, while he was also looked upon as the most available candidate by some of the old Half-breeds. On the first ballot Davenport received 105, Carr 205, Warren 137, Bliss 53, General William H. Seward of Auburn, a son of the great Secretary, 57, John Swinburne of Albany 32, Joseph W. Drexel of New York 37, Morton 42, Henry R. Low 16, Cornell 4, and Evarts, John H. Starin, and Charles Andrews 1 each. On the second ballot Davenport had 214, Carr 194, Warren 113, Bliss 66, Seward 54, Swinburne 29, Drexel 12, Morton 8, Cornell 2, Evarts 1. Miller, who had been voting for Warren, threw Herkimer to the leading candidate and started a concentration on Davenport, which nominated him without further balloting.<sup>15</sup>

The platform declared for the maintenance of the gold standard and against the enlargement of the silver circulation, for protection and national improvement of the Erie canal, the extension of the Civil Service laws, the solution of the prison labor problem by the widest possible diversification of industries to avoid serious competition with any trade, and for legislation to protect workingmen and women and children in industry. It denounced the national administration for removals to secure spoils.

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<sup>15</sup>The ticket was: Governor, Ira Davenport, Steuben; Lieutenant-Governor, Joseph B. Carr, Rensselaer; Secretary of State, Anson S. Wood, Wayne; Comptroller, James W. Wadsworth, Livingston; Treasurer, Charles F. Ulrich, New York; Attorney-General, Edward B. Thomas, Chenango; State Engineer, William V. Van Rensselaer, Seneca.

Despite the Republican lack of strong leadership and a clear-cut issue, Governor Hill entered the campaign in a mood of discouragement. He had won his nomination, but few of the old leaders were much concerned for his election; besides, all Independents had come to regard him as a cynical partisan. But with grim determination he fought his way to success. He had difficulty in getting a campaign manager. After several seasoned leaders had made excuses, he finally picked Alton B. Parker, then Surrogate of Ulster county, who had attracted attention for his skill in building up a local organization, and this association was the beginning of a friendship that later made Parker Chief-Judge and finally a Presidential candidate. Hill, however, had Tammany with him earnestly, and McLaughlin had been impressed by his energy and saw in him a useful future ally. He had conciliated the labor vote by urging its special interest in messages, and had also been a conspicuous discoverer of the need of a freedom of worship bill to facilitate the work of chaplains in public institutions. The liquor interests were almost solidly behind him. On the other hand, Davenport was bitterly attacked by Prohibitionists in country districts because he was a stockholder in one of the wine companies of the great grape-growing district in which he lived. Hill was elected by 11,134 plurality, and thus established complete domination over the Democratic organization in New York. The vote was: Hill, 501,465; Davenport, 490,331; H. Clay Bascom of Troy (Prohibitionist), 30,867.

The Democrats won all the State offices. The Republicans, however, still held the Legislature, the Senate standing 20 Republicans to 12 Democrats, and the Assembly 77 Republicans to 51 Democrats.

## CHAPTER XXVII

### HISCOCK GOES TO THE SENATE

1886-1887

**I**RWIN sought reëlection to the Speakership of the Assembly of 1886, but this time the opposition was concentrated on James W. Husted. The result of this contest was Miller's last conspicuous success, and in alliance with him were Arthur, Cornell, Hiscock, Wadsworth, and Robertson. Aside from his own northern counties, only the Southern Tier where Platt was influential supported Erwin, and on January 4, the day of the caucus, he withdrew and Husted was elected. The new Hill leadership was manifested in the nomination of William F. Sheehan of Erie as the minority candidate. He soon became known as one of Hill's most ardent and daring lieutenants. For President *pro tem.* of the Senate the Republicans chose Edmund L. Pitts.

The Legislature at this session amended the Civil Service law, establishing the veteran preference for appointment. It created the office of Factory Inspector, fixed twelve hours as the legal day's work on street and elevated railroads in cities of over one-half million population, and for the first time made women eligible for admission to the bar. Although the prisons were in

bad shape, owing to the expiration of the old labor contracts, no effective remedies were provided. The Governor was more intent on conciliating the labor unions by excluding prison-made goods from the market than providing a new system of labor,<sup>1</sup> and the Legislature found the subject too complicated for the off-hand solution that Hill seemed to think easy. As a result the prisoners were left in increasing idleness till a few years later public indignation, awakened by the growth of insanity in the prisons, forced the adoption of the system of employment on supplies for State offices and institutions. The scandal over the bribery of New York City Aldermen who passed the Broadway Surface Railroad franchise, which afterward resulted in the conviction of Aldermen Henry W. Jaehne and John O'Neill<sup>2</sup> for accepting and Jacob Sharp for giving bribes and the flight of six Aldermen to Canada, led to legislation repealing the railroad charter. In a message of March 22 Governor Hill declared: "The repeal of the charter and the dissolution of the corporation would vacate the stolen franchise."<sup>3</sup> But the Court of Appeals upheld the franchise notwithstanding its fraudulent origin,<sup>4</sup> and it continued in the hands of another company after the original corporation had been dissolved for its sins.

As the only State officer to be elected was a Judge of the Court of Appeals to succeed Theodore Miller, the

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<sup>1</sup>Lincoln, *Messages from the Governors*, VIII, p. 165.

<sup>2</sup>Myers, *History of Tammany Hall*, p. 264.

<sup>3</sup>Lincoln, *Messages from the Governors*, VIII, p. 200.

<sup>4</sup>People vs. O'Brien (1888), 111 N. Y., 1.

leading parties held no State conventions. The Republican State committee nominated Charles Daniels of Buffalo, and the Democrats Rufus W. Peckham of Albany, a son of Judge Rufus W. Peckham, one of the original Judges of the Court of Appeals as reorganized by the Constitutional convention of 1867, who lost his life in the wreck of the ocean steamship "*Ville du Havre*" on November 22, 1873. Peckham was elected by 7,818 plurality, receiving 468,455 to 460,637 for Daniels, 2,281 for Lawrence J. McPartlan (Greenback), and 36,414 for William J. Groo (Prohibitionist). The Republicans elected 19 of the 34 Congressmen and 74 of the 128 Assemblymen. The hold-over Senate stood 20 Republicans to 12 Democrats, thus insuring a Republican United States Senator. The question of holding a new Constitutional convention, which was submitted in this, the twentieth year since the last vote, resulted in 574,933 votes in favor of the convention to 30,766 against.

In New York City a spectacular contest occurred. Henry George, the advocate of the single tax, was the candidate of a labor movement for Mayor and was indorsed by Irving Hall. In the face of this rise of radicalism, the extent and meaning of which was little understood, Tammany and the County Democracy buried their differences and nominated Abram S. Hewitt. The Republicans nominated Theodore Roosevelt, but many of the business men in the Republican party were so terrified at the thought of the single tax that they not only went over to Hewitt but criticised the Republican organization for unpatriotic partisan-

ship in not sinking all differences with Tammany conservatism to defeat George and "revolution." Hewitt was elected, receiving 90,552 to 68,110 for George and 60,435 for Roosevelt.

Three Republican candidates contested the succession to the seat of Warner Miller in the United States Senate. Miller himself sought reëlection and had behind him most of the old Half-breed strength, though the terms Stalwart and Half-breed had ceased to describe with any accuracy the two wings of the party; for former adherents of each faction had made new alignments. But in general Miller represented the progressive reforming wing of the party, while Thomas C. Platt quietly but persistently was welding together the conservative organization forces into a compact body. He had been defeated in the contest for Senator when Evarts was elected. Now for the second time he sought to make Morton Senator, though he himself remained in the background. Active in the management of the Miller campaign were Congressmen Burleigh and West, ex-Congressman John M. Davy, ex-Mayor B. B. Odell of Newburgh, father of the future Governor; George B. Sloan, James W. Wadsworth, Titus Sheard; Andrew S. Draper, Superintendent of Public Instruction; William H. Robertson, and ex-Postmaster-General James. Morton's most conspicuous supporters were George H. Sharpe, Anson S. Wood, Commodore P. Vedder, O. G. Warren of the Buffalo *Commercial*, a son of James D. Warren; J. Sloat Fassett, Henry J. Coggeshall, John Raines, George Z. Erwin, ex-Senator Woodin, Fremont Cole,

and John Van Voorhis. A third candidate, whose only hope lay in a deadlock, was Congressman Frank Hiscock, who was ably supported by Francis Hendricks and Carroll E. Smith of the *Syracuse Journal*.

A preliminary contest over the Speakership developed four candidates in opposition to Husted. Charles D. Baker of Steuben had a considerable following of Miller men. Frederick W. Kruse of Cattaraugus was supposed to be the Hiscock favorite, while Fremont Cole of Schuyler and Frank Arnold of Otsego each had a small following. Before the caucus of January 3, however, Husted's strength seemed to be so overwhelming that all his opponents withdrew and he was nominated unanimously.<sup>5</sup> Sheehan received the complimentary support of the minority, which made him the Democratic leader in the Assembly.

Miller had a larger following than either of his rivals. His services had been creditable to himself and to the State, and his friends argued that he was entitled to a reëlection. On the other hand, the plea was made that he had been elected as the result of a factional fight which left bitter feelings, and that these should not be perpetuated in the party. Moreover, Senator Evarts belonged to the same wing, and the representation of the other wing was advocated as a step toward harmony. On the first ballot in the caucus on January 17, Miller had 44 votes, Morton 35, and Hiscock 12, with three absentees. Under the rules 48 votes, or a majority of the full Republican strength in the Legislature, were required to nominate; so Miller was four votes from

<sup>5</sup>New York Times, January 14, 1887.

victory. On the second ballot Hiscock lost and Morton gained one vote, and then an adjournment was taken.

Hendricks resisted all the appeals of the Morton men to throw Hiscock's vote to them on the ground that on a break some of the Hiscock men would go to Miller and elect him. So Platt, who was determined to beat Miller, faced the necessity of transferring all of Morton's 36 votes to Hiscock. Even if this could be done Hiscock would be one vote short of the nomination. With great adroitness steps were taken to prevent any break from Morton to Miller, and at the same time several Miller men, who were for Hiscock as second choice, were brought to an agreement to vote for Hiscock whenever he had 47 votes. At the second session of the caucus, Miller's vote went up to 46 through the arrival of two of the three absentees, and so the vote continued for ballot after ballot until on the seventeenth ballot, in pursuance of a prearranged plan, Erwin withdrew Morton. Foreseeing defeat, Husted on behalf of Miller sought delay and urged that Hiscock should be content to remain in the House of Representatives, where he was sure to be elected Speaker, but his plea was greeted with derisive laughter and adjournment refused. The ballot showed 47 votes for Hiscock and 46 for Miller. At the beginning of the next balloting, Assemblyman Frost of Chautauqua, pursuant to the arrangement made the night before, changed from Miller to Hiscock, thus insuring his nomination. Before the ballot was concluded enough Miller men had gone to the winning side to give His-

cock 51 to Miller's 42.<sup>6</sup> The minority nomination went to Smith M. Weed.

Hiscock had served ten years in Congress, and at the time of his transfer to the Senate shared leadership in the House with William McKinley and Thomas B. Reed. Despite his earlier excursion into the Liberal Republican movement, he was recognized as a moderate but firm organization man, and, without any spectacular gifts of leadership, he wielded great influence over party policy and legislation by reason of a sound, far-seeing judgment of political forces.

The personal wrangle between Governor Hill and the Republican Legislature, which began in 1885 and continued until 1891, centered this year about the Constitutional convention, for which the people had voted at the preceding election. In his annual message the Governor scolded the Legislature for failure to give him the simple enumeration bill that he was willing to sign and recommended the abolition of the Board of Regents, the transfer of its powers to the Superintendent of Public Instruction, and the substitution of single Commissioners for the State Board of Charities and the Health board. He recommended that the Constitutional convention be chosen at a special election, to consist of 110 delegates, two from each Congress district and 42 at large. No elector was to vote for more than 15 of the delegates-at-large, so that each of the major parties would have 15 and the remaining 12 could be fought for by the Prohibition and Labor parties.<sup>7</sup>

<sup>6</sup>New York Tribune, January 17-20, 1887.

<sup>7</sup>Lincoln, *Messages from the Governors*, VIII, p. 308.

The conventions of 1801, 1821, and 1846 had all been elected by Assembly districts. That of 1867 had been made up of four members from each Senate district and thirty-two at-large, divided equally between the major parties.

The Legislature declined to accept Hill's suggestion, but passed a bill for one delegate from each Assembly district and thirty-two at-large to be divided between the two parties, all to be elected at the general election of 1887. This bill the Governor vetoed, arguing that representation by Congress districts was fairer, since the apportionment had been made in 1883 on the basis of the census of 1880, while the Assembly apportionment had been made in 1879 on the census of 1875.<sup>8</sup> He also objected to the choice of delegates at the general election and to the greater cost of the convention under the Legislature's plan. The Assembly committee to which the veto message was referred made a report commenting sarcastically on Hill's concern for representation of the Prohibitionists after he had vetoed measures to restrict the liquor traffic, and pointed out that the appropriation for the convention was to be less than the convention of 1867 cost.<sup>9</sup> Hill's desire for representation by Congress districts was natural, for the Congressional was much more favorable to the Democrats than the legislative apportionment, the Republicans said unfairly favorable. On the other hand, the Assembly districts, based on the enumeration of 1875, were quite as unfair to the Democrats. But the

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<sup>8</sup>Lincoln, *Messages from the Governors*, VIII, p. 393.

<sup>9</sup>Lincoln, *Messages from the Governors*, VIII, p. 470.



RUFUS WILLIAM PECKHAM

Rufus William Peckham, jurist; born at Albany, N. Y., November 8, 1838; educated at the Albany academy and in Philadelphia; admitted to the bar, 1859; district attorney, Albany county, 1868-1871; corporation counsel of Albany, 1880-1881; justice supreme court, 3d judicial district, 1883-1886; associate judge of the court of appeals, 1886-1895; appointed to United States supreme court, December 3, 1895 when the New York senators refused to confirm the appointment of his brother, Wheeler Hazard Peckham; died at Altamont, N. Y., October 24, 1909.





#### CORNELIUS NEWTON BLISS

Cornelius Newton Bliss, American merchant and politician; born in Fall River, Mass., January 26, 1833; clerk in New Orleans, subsequently in Boston and in 1866 was taken as a partner in the commission business of J. S. & E. Wright & company of the latter city; in 1881 his firm was merged into that of Bliss, Fabyon & Co. of New York; chairman of the republican state committee, 1887-1888 and treasurer of the republican national committee of 1892, 1896, 1900 and 1904; secretary of the interior in President McKinley's cabinet, 1897-1898. An attempt was made to draw him into the controversy brought about by the charges of Alton B. Parker that large contributions had been made to the republican campaign fund by corporations, but he refused to make any statement in regard to the matter; died in New York City, October 9, 1911.



Republicans had the advantage of precedent and logic in objecting to the Congress districts as a basis for State representation. Thus, like the question of enumeration, the matter of the Constitutional convention was in a deadlock until the Democrats obtained control of the Legislature and were able to carry out their own particular plans.

The Republican State convention at Saratoga on September 14 was distinguished for overflowing harmony. It had three leaders and no boss; perhaps because no one of the leaders would have joined the other in a fight on the third. Platt and Hiscock worked together, but every disposition was shown to conciliate Miller and present a united front to the Democrats. Seth Low was temporary chairman, and Miller, at the personal request of Hiscock, became permanent chairman.<sup>10</sup> In the search for a popular candidate for Secretary of State all factions united on Frederick D. Grant, a son of Ulysses S. Grant, whose death in 1885 had renewed all the old affection for the victor of Appomattox, which years of political controversy had somewhat abated.<sup>11</sup>

The platform found much fault with Democratic administration in the State and nation, especially with the return of the Confederate battle-flags and Hill's veto of the Constitutional convention and census bills and measures to prevent registry frauds. It revived the old

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<sup>10</sup>New York *Tribune*, September 14, 1887.

<sup>11</sup>The ticket was: Secretary of State, Frederick D. Grant, New York; Comptroller, Jesse S. Lamoreaux, Saratoga; Treasurer, James H. Carmichael, Erie; Attorney-General, James A. Dennison, Fulton; State Engineer, O. H. P. Cornell (a brother of Governor Cornell), Westchester.

question of civil rights for the negroes, denouncing the persecution of labor in the south. It called for the exclusion of undesirable immigrants, the improvement of the Erie canal by the national government, and expressed sympathy for the cause of home rule in Ireland. The most important declaration, however, was that which commended Republican legislative attempts to curtail the liquor traffic and favored local option and restriction by taxation. The growth of the Prohibition party, which was making serious inroads on the rural Republican vote, was coming to be a matter of great concern to Republican leaders.

But if the Republican leaders feared temperance defections, the Democrats were equally worried over the labor vote in New York. The 68,000 ballots cast for Henry George were a club that brought even Tammany and the County Democracy together. At the Democratic State convention held in Saratoga on September 27, the spirit that Richard Croker had substituted for the proscriptive policy of John Kelly was manifest in the harmony with which the two wings of the New York City Democracy worked side by side. Croker was not yet established as the absolute ruler of Tammany, but he had been Kelly's deputy, and after Kelly's death on June 1, 1886, he was the most influential member of the ruling junta. It was his sagacity that in 1886, after efforts to get George out of the field by offers of a seat in Congress had failed, brought about the union on Hewitt for Mayor.<sup>12</sup> Irving Hall, which

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<sup>12</sup>Myers, *History of Tammany Hall*, p. 269.

had supported George, was alone excluded from the convention. Hill reached out a friendly hand to bring into his camp George Raines, who had become luke-warm in his feelings toward Cleveland, and Raines was made temporary chairman. Entire harmony prevailed in the selection of candidates.<sup>13</sup>

The platform approved the administrations of Cleveland and Hill and called for the reduction of Federal taxation, the lengthening of canal locks, and the protection of farmers against the competition of substitutes for butter. Like the Republicans, the Democrats made a bid for the Irish vote by a resolution deplored the wrongs inflicted on Ireland. They favored a uniform Excise law and opposed "sumptuary laws grievously interfering with the personal liberty and reasonable habits and customs" of any body of citizens. The only struggle in the convention was over the attitude of the party toward civil service reform. W. Bourke Cockran, with strong Tammany backing, opposed any commendation of the merit system, as he had done the year before in the State committee, and threatened to carry the fight from the committee on resolutions to the floor of the convention if his views were not met.<sup>14</sup> Finally he agreed to a compromise, which committed the party to the support of the existing Civil Service laws but

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<sup>13</sup>The ticket was: Secretary of State, Frederick Cook, Monroe; Comptroller, Edward Wemple, Montgomery; Treasurer, Lawrence J. Fitzgerald, Cortland; Attorney-General, Charles F. Tabor, Erie; State Engineer, John Bogart, New York.

<sup>14</sup>New York *Tribune*, September 29, 1887.

proposed that the policy of the merit system be submitted to a vote of the people.

The Democrats again succeeded in electing all of their State ticket. Cook received 469,888, a plurality of 17,077 over Grant, who received 452,811. The United Labor Party nominated Henry George for Secretary of State and polled 70,055 votes. Of these votes, 34,477 were cast in New York and 15,635 in Kings. Another labor faction, called the Progressive Labor party, nominated I. E. Hall and cast 7,622 votes, 5,884 of these being in New York and 1,130 in Kings. The Prohibition vote for D. W. C. Huntington was 41,850.

The Republicans still maintained their hold on the Legislature, with 21 Republican to 11 Democratic Senators, and 72 Republican to 56 Democratic Assemblymen.

## CHAPTER XXVIII

### MILLER "OUTSIDE THE BREASTWORKS"

1888

THE impending election of both President and Governor turned the legislative session of 1888 into a political game. Each side strove to make capital with the voters. Even the "bloody shirt" made a belated appearance in the caucus, which nominated Fremont Cole of Schuyler for Speaker, as a young man's candidate. Under the management of Francis Hendricks he bowled out Danforth E. Ainsworth of Oswego before the vote and carried the caucus 54 to 19 over Husted, whose chief supporters, outside of Westchester, were Edmund L. Pitts of Orleans and Charles W. Hackett and James S. Sherman of Utica.<sup>1</sup> The caucus with one dissenting vote called on the New York Senators to oppose the confirmation of L. Q. C. Lamar for Justice of the United States Supreme Court. The New York *Tribune* carried on a bitter campaign against Lamar, urging that Caleb Cushing's chance of confirmation as Chief-Justice had been killed by the discovery that he had merely written a letter recommending a man for a clerkship under the Confederate government, while Lamar was still defending Jefferson Davis and voting against a declaration that the war

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<sup>1</sup>New York *Tribune*, January 1, 3, 1888.

amendments were as binding as the rest of the Constitution.<sup>2</sup> Nevertheless Lamar was confirmed, despite almost unanimous Republican opposition.

The Republicans in the Legislature were unusually active in passing reform measures, which they knew the Governor would not sign. The year before Hill had vetoed the Vedder bill for increased liquor taxes because it applied only to New York and Brooklyn. At this session he vetoed the Crosby bill establishing high license throughout the State, on the ground that it was unreasonable and extreme. He recommended a commission generally to revise the Excise laws. A legislative committee formally charged that he was playing politics<sup>3</sup> and would not sign any bill that restricted the traffic and did not please the saloon interests, but the Republicans finally agreed to such a commission, which was to report at the next session. No revision was made, however, until 1892, when the Democrats were in control of the Legislature and were able to get the sort of revision they wanted. The Governor also vetoed the Saxton Ballot bill, one of the early steps toward the introduction of the so-called Australian ballot system.

Until a decade after the Civil War practically no restriction was put upon the form of ballot. The parties printed their own tickets with varying design and color, with separate tickets for different classes of officers, State, local, and judicial, so that any watcher could see how in general each elector voted. Tricks were devised

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<sup>2</sup>January 5, 1888.

<sup>3</sup>Lincoln, *Messages from the Governors*, VIII, p. 640.

to make split voting difficult. Once in Monroe county the names on a ballot were printed in a close spiral, so that the use of pasters was impossible. Managers made up bundles of tickets for their followers and saw that they were put in the boxes. The first step toward secrecy was legal prescription of the form, color, type, and paper of the ballot, which the parties still provided. This did not prevent the fixing of tickets for dragooned or purchased voters. Then the State itself furnished the ballots, first separate tickets for each party, then a blanket ballot. By handing out the official ballot only as used in the polling-place it was hoped to make each voter's act independent; but Governor Hill's insistence on retaining pasters, which might consist of a whole ticket, militated against this. Finally the blanket ballot, which each voter must mark in secret in a booth, was adopted. Two general types have been used in this country. The Massachusetts type places the names of all candidates for an office together in one column, so that the voter must make his distinct choice for each separate office. The Indiana plan, so called because developed in that State, provides separate party columns. New York first used various forms of this ballot, with party symbols and circles at the top of each party column. Thus an elector might with one mark vote for all the candidates of a party, merely guided by an emblem. Finally the State has turned to the other plan, aiding the indifferent or ignorant voter with a party symbol and designation beside each name, but grouping the candidates by offices. Coincident with this movement has been the development of the voting

machine, adapted for the mechanical registration of the vote. Its dial corresponds to whatever form of ballot prevails, and the chief difference it has made in elections is due to the quickness with which the result is known.

The bill of 1888 provided an official ballot to be printed by the State. The Governor held that it restricted the freedom of the voter, interfered with the secrecy of the ballot in the case of the ignorant or disabled citizen who might require assistance, and was unconstitutional. He also vetoed a bill aimed at election bribery, on the ground that it opened the door to blackmail by encouragement to informers and by extreme penalties made punishment difficult.<sup>4</sup> The Legislature made an appropriation for lengthening the canal locks and Hill, desiring the support of the canal interests, approved it, although he had vetoed canal improvements the year before. An act was passed to substitute execution by electricity for hanging after January 1, 1889. The prison labor situation forced an extra session in July, at which the use of motive power machinery was forbidden and provision made for the employment of convicts on handmade articles for public institutions.

Renomination for both Hill and Cleveland was a foregone conclusion, and the factions buried their differences so far as to give the first State convention into the hands of Cleveland and the second into the hands of Hill. The convention to choose delegates-at-large to the national convention at St. Louis was held

<sup>4</sup>Lincoln, *Messages from the Governors*, VIII, p. 598.

in New York on May 15, with Frederic R. Coudert in the chair. Despite the surface harmony, much bitterness of feeling existed. Two of Hill's particular supporters, John Y. McKane of Gravesend and Mayor Patrick J. Gleason of Long Island City, were excluded from the convention. The rebuff to McKane drove him for the moment into alliance with the Republicans and cost Cleveland many votes. When the name of William R. Grace, Hill's arch enemy, was mentioned, he was roundly hissed.<sup>5</sup> Hill was left off the national delegation, receiving only five votes in the nominating committee. When the State committee attempted to elect a chairman, a tie resulted, the Cleveland men voting for D-Cady Herrick and the Hill and Tammany forces to reelect Edward Murphy, Jr. Finally Murphy was continued as temporary chairman under open threats that the selection of Herrick would be expensive for Cleveland. The platform commended both the Cleveland and Hill administrations, and particularly condemned the Saxton Election Reform bill. George Raines, Edward Cooper, Roswell P. Flower, and Alfred C. Chapin were chosen delegates-at-large to the national convention, which met at St. Louis on June 5 and there unanimously renominated Cleveland. The speech presenting his name was made by Daniel Dougherty, who had recently removed from Philadelphia to New York. Allen G. Thurman of Ohio was nominated for Vice-President, and a platform was adopted which indorsed the Mills bill for tariff reductions.

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<sup>5</sup>New York Tribune, May 16, 1888.

The Republicans met at Buffalo on May 16 to choose delegates to the Chicago convention, called for June 19, without a candidate and in a spirit of harmony. Blaine was the most popular Republican in the country. Without doubt he would have been nominated with little or no opposition if he had been even passively in the field, but he was in Europe. On January 25 he had written from Florence that he would not be a candidate,<sup>6</sup> but his nomination was still considered probable, although a host of favorite sons entered the field. At Buffalo, Platt declared that Blaine would be the ultimate choice of the convention, and he echoed the opinion of the other leaders. Charles E. Fitch and Edmund L. Pitts presided over the convention, which without opposition elected a "union ticket" for delegates-at-large: Hiscock, Platt, Miller, Depew. The New York delegation at one time threatened to oppose this program by substituting Morton for Hiscock, but Platt declared that Morton did not wish to be a delegate as he wanted to run for Vice-President if a western man should be nominated for President, and later, after the New York delegation had declared for him, Morton by telegram forbade the use of his name.<sup>7</sup> The delegates were uninstructed, and no platform was adopted beyond a resolution condemning the Mills bill and promising loyal support to the Chicago nominees.

The publication on May 30 of a letter written in Paris on May 17 by Blaine to Whitelaw Reid threw the

<sup>6</sup>New York *Tribune*, February 13, 1888.

<sup>7</sup>New York *Tribune*, May 16, 17, 1888.

door wide open for "favorite sons." Blaine not only reaffirmed his Florence letter, but declared that on the strength of it friends of his had entered the lists and he could not without giving them just grounds of complaint allow himself to be nominated. A round dozen of candidates were brought into the field at Chicago. John Sherman had the largest block of votes, but not nearly enough to nominate. Others in the field, each with the support of his own State and a considerable body of other delegates, were Benjamin Harrison of Indiana, William B. Allison of Iowa, and Russell A. Alger of Michigan. Walter Q. Gresham of Indiana was unable to get his own State from Harrison, but had the support of Illinois. Jeremiah M. Rusk of Wisconsin, Joseph R. Hawley of Connecticut, John J. Ingalls of Kansas, and William Walter Phelps of New Jersey all had local support. The New York delegation, after some debate, unanimously agreed to present Chauncey M. Depew, despite Depew's own frank recognition of the grangers' objection to a railroad president. The New York organization leaders did not at first welcome Depew's candidacy. When county organizations began to declare for him, before Blaine was definitely out of the field, he was called to a conference with Platt and other leaders. Platt wanted to know how he started the movement and was skeptical about its spontaneity. Depew authorized announcement that he was not a candidate, but support continued to be offered. Again the leaders wanted to know what he was doing, and Depew answered that Platt had agents in every part of the State and must know if he

were doing any work. They asked him to go beyond his withdrawal and say that he would not accept, as the only way to stop the movement, but Depew replied that he was not big enough for that:—it was asking too much if he had serious chances, and the announcement would be egotistical otherwise.<sup>8</sup> Later, with the elimination of Blaine, the organization found Depew's candidacy, even if it had little prospect of success, useful to hold the New York delegation together for strategic purposes.

Hiscock made the speech nominating Depew, and the first ballot gave Sherman 229, Gresham 107, Depew 99 (28 outside of his own State), Alger 84, Harrison 85, Allison 72, Blaine 35, Ingalls 28, Rusk 25, Phelps 25, E. H. Fitler of Pennsylvania 24, Hawley 13, Robert T. Lincoln 3, William McKinley 2. Two more ballots were taken without decisive change. Before the convention adjourned on Friday night Depew withdrew in the best of temper, saying that in view of prejudices his nomination would be unwise, and the course of New York became of keen interest.<sup>9</sup> The "big four" were at odds on the subject. Platt and Hiscock were for Allison. Miller was for Sherman. Platt declared that he would not support Sherman. After a long wrangle Hiscock, who was always a peacemaker, suggested that they let Depew judge between them. Depew thought Allison would, because of the extreme granger sentiment behind him, be as unwelcome to the east as he himself had been to the west. He suggested Harrison, a

<sup>8</sup>Statement of Mr. Depew to the writer, June 15, 1917.

<sup>9</sup>New York Tribune, June 22, 1888.

soldier, a Senator, a poor man, a grandson of "Tippecanoe," as the candidate with the best sentimental values.<sup>10</sup> The conference adjourned overnight without decision. Platt, having had opportunity to come to an understanding with the Harrison managers, agreed to the plan Saturday morning and a majority of the delegation followed. Fifty-eight of New York's 72 votes went to Harrison, and Wisconsin also threw its vote for the same candidate. On the fourth ballot Sherman had 235, Harrison 216, Alger 135, Gresham 98, Allison 88, Blaine 42, McKinley 11, Foraker, Lincoln, and Frederick Douglass each 1. After another ballot, which showed a loss for both Sherman and Harrison and slight gains for Alger, Allison, and Blaine, adjournment was taken until Monday.

Platt devoted Sunday to bringing the New York delegation solidly into line, and the drift was clearly toward Harrison despite Sherman's lead. Sherman's friends complained bitterly that Alger had by lavish expenditure won the negro delegates, whom Sherman had counted on in this his last fight for a nomination. Over all loomed the shadow of Blaine. The feeling was widespread that the candidates whose rights he had been so careful to respect would themselves unite on him rather than see their votes go to any smaller rival.<sup>11</sup> But on Monday morning Congressman Boutelle announced to the convention that he had received two telegrams from Blaine, who was in Edinburgh, calling on his friends to respect his declination, and Andrew

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<sup>10</sup>Statement of Mr. Depew to the writer, June 15, 1917.

<sup>11</sup>New York Tribune, June 26, 1888.

Carnegie, at whose home in Scotland Blaine had been staying, cabled that Blaine favored Harrison and Phelps. On the sixth ballot Sherman still led, with Harrison second. On the seventh, Harrison's vote rose to 279 and Sherman's fell to 230. At this point the withdrawal of Allison's name started a run to Harrison, who received on the eighth ballot 544 votes to 118 for Sherman, 100 for Alger, 59 for Gresham, 5 for Blaine, and 4 for McKinley. New York's timely swing for Harrison secured recognition of its claim to the Vice-Presidency, notwithstanding Blaine's friendship for Phelps. The ballot gave Morton 592 votes, Phelps 119, W. O. Bradley 103, and Blanche K. Bruce 11.

The Prohibitionists met in national convention in Indianapolis May 30 and nominated Clinton B. Fisk of New Jersey and John A. Brooks of Missouri. Other tickets were: Union Labor—Alson J. Streeter of Illinois and Samuel Evans of Texas; United Labor—Robert H. Cowdrey of Illinois and W. H. T. Wakefield of Kansas.

The policy of harmony and mutual concession, which allowed Platt to throw the State to Harrison and nominate Morton, brought unanimous agreement upon Warner Miller as the candidate for Governor long before the State convention met at Saratoga on August 28. Benjamin F. Tracy and George S. Batcheller presided over its sessions. From Buffalo and New York came strenuous efforts to induce Tracy to walk softly around the liquor issue on which Miller had taken advanced ground, but in his speech he declared squarely that the party could not afford to take any

backward step on temperance legislation. Long afterward Platt said Miller defeated himself by an injudicious speech on the liquor question,<sup>12</sup> but at the time he announced: "We shall make high license a State issue. We could not afford to quibble or vacillate upon the question. . . . If we should adopt a high license plank I should look to our getting one-third of the present Prohibition vote."<sup>13</sup> Miller was nominated by acclamation, and Stephen Van Rensselaer Cruger of New York was named for Lieutenant-Governor, after the friends of John B. Weber of Erie, Cornelius R. Parsons of Monroe, and Norman L. Allen of Cattaraugus had presented their favorites. Justice William Rumsey of Steuben was nominated for Judge of the Court of Appeals to fill the vacancy caused by the death of Judge Rapallo, in whose place Governor Hill had in January named John Clinton Gray of New York. The Republicans took credit to themselves in the platform for reducing taxation and approved the attempts of the Republican Legislature to restrict the liquor traffic and by its taxation to lift the burden of economic expenses from the home and farm. They declared for legislation to prevent election frauds and for the printing and distribution at public expense of

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<sup>12</sup>Platt, *Autobiography*, p. 207. With respect to this and other quotations from Mr. Platt's *Autobiography*, especially those that show inconsistency and error, account should be taken of the fact that when he dictated the material he was broken in health. Much of it is apparently the random reminiscence of an old man, never subjected to critical revision by author or editor. It is valuable in revealing his motives, or what he looked back on as his motives, rather than as authority on matters of fact.

<sup>13</sup>New York *Tribune*, August 28, 1888.

an official ballot, and censured Hill for his vetoes of liquor, election, and other reform bills. They also called for the revision of the naturalization and immigration laws.

The Democrats held their State convention at Buffalo on September 12, with George Raines and D-Cady Herrick presiding. They renominated Hill and Jones by acclamation and named John Clinton Gray for the seat in the Court of Appeals that he was filling temporarily by appointment. Their platform opposed "sumptuary laws needlessly interfering with the personal liberties and reasonable habits and customs of any part of our citizens," and declared that local excise revenues should be kept for local use. They denounced the "hypocritical legislation" of the Republicans, expressed themselves in favor of honest elections, but declared that the Saxton bill for an official ballot, which the Republicans had pushed, was unconstitutional, defective, and impracticable.

The Prohibitionists at Syracuse on June 27 nominated W. Martin Jones for Governor, and the Socialists, the successors of the Progressive Labor party of the year before, nominated Edward Hall. The United Labor party indorsed Warner Miller but did not accept the rest of the Republican ticket.

On the day after Hill's nomination, the *New York Times*, which was earnestly supporting Cleveland, repudiated the State ticket, saying: "From such uncleanness as the New York Democracy put upon itself at Buffalo yesterday, there is but one purification —the fires of defeat. In nominating David B. Hill for



ABRAM STEVENS HEWITT

Abram Stevens Hewitt; born in Haverstraw, N. Y., July 31, 1822; graduated from Columbia college in 1842; studied law and was admitted to practice in 1845; his eyesight failing, he engaged in the iron business with Peter Cooper and established works in New Jersey and Pennsylvania; appointed one of the 10 United States commissioners to visit the French exposition universelle of 1867 and made a report on iron and steel which was published by congress; organized with and managed for Peter Cooper the Cooper union for the advancement of science and art; elected as a democrat to the 44th and 45th congresses (March 4, 1875-March 3, 1879); reelected to the 47th, 48th and 49th congresses (March 4, 1881-March 3, 1887) but resigned January 4, 1887; mayor of New York City, 1887-1888; died in New York City, January 18, 1903.





CHARLES S. FAIRCHILD

Charles S. Fairchild; born in Cazenovia, N. Y., April 30, 1842; graduated from Harvard, 1863; admitted to the bar in 1865; deputy attorney general, New York state, in 1874; attorney general, 1876-1878; settled in New York City and practiced law, 1880-1885; appointed by President Cleveland assistant secretary of the treasury, 1885 and secretary of the treasury on the resignation of Daniel Manning, April 1, 1887.



Governor the Democratic convention did not merely touch the pitch and pass by with soiled garments, it went boldly into the pool of defilement and wallowed. For the first time in its history, the party entrusted the work of choosing its candidate to its basest members." This fairly represented the attitude of the reform elements in the Democratic party, and the Republicans entered the State campaign with high hopes of winning the Governorship, as well as the Presidency. The reformers still stuck to Cleveland, although the New York *Evening Post* in the spring had declared: "The painful truth is, that we doubt if a single independent voter in the State, of the thousands who supported President Cleveland in 1884, any longer attaches any importance to the utterances of the members of the administration on the subject of civil service reform."<sup>14</sup> Yet, however much they might be disappointed in their reform expectations, the mugwumps, as the men who had followed Curtis to the support of Cleveland were called, were more than ever attracted to him by his anti-protectionist course. The Republicans urged protection as the chief proposition of the campaign and enjoyed great favor accordingly from the friends of that policy. The organization of political clubs was carried to unusual lengths. In this campaign the National Republican League had its origin and was met by the opposition with the National Association of Democratic Clubs.

The exposure, through the inquiry of a Senate committee into New York aqueduct scandals, of

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<sup>14</sup>May 28, 1888.

attempts to pay the expenses of Hill's first campaign for Governor out of the city treasury, greatly embarrassed the Democrats. In 1886 Hill had signed a bill removing the Mayor and City Comptroller from the commission in charge of the new aqueduct and adding to it men appointed by himself. Mayor Hewitt, on July 13, 1888, wrote to the Governor demanding that he obtain at the extra session just meeting the repeal of this act excluding officials not acceptable to contractors, charging that it was passed through a political deal between Republicans and Democrats and adding: "It appears that Democratic campaign debts, incurred in the election of 1885, were subsequently paid by the contractors and charged to the member of the firm who was at the head of the State committee."<sup>15</sup> This contractor was John O'Brien, of Clark & O'Brien. It was shown that in 1885 Hill being in need of money drew two notes, for \$10,000 and \$5,000. The first was cashed by O'Brien and charged to him on the books of Clark & O'Brien. The second was indorsed by Alton B. Parker and taken up by O'Brien, Parker, and others. Mayor Grace and Commissioner of Public Works Squire testified that they had been asked to vote an aqueduct contract to Clark & O'Brien at \$54,000 above the lowest bid in order that the Governor's notes might be provided for.<sup>16</sup> The Governor yielded to Hewitt's demand and put the aqueduct back under local con-

<sup>15</sup>New York Tribune, August 20, 21, 1888.

<sup>16</sup>New York Tribune, August 24, 1888. New York Evening Post, February 6, 1892.

trol.<sup>17</sup> The Republican gains from this scandal, however, were more than offset by the effect of Miller's radical stand in favor of high license. With him this was a matter of conviction rather than of policy. He believed it meant a great gain in sobriety. Those who with Platt expected large accessions from the Prohibitionists were disappointed, as it was a matter of principle with the Prohibitionists not to accept even the highest license as a solution of the liquor problem. They considered that the system made the State a partner in the liquor traffic and that high license, instead of being a restraint on intemperance, would result only in saloons reduced in number but more prosperous than ever.

Harrison carried the State by 13,002 plurality and with it the Electoral College and the Presidency. His vote was 648,759. The vote for Cleveland was 635,757, for Clinton B. Fisk of New Jersey (Prohibitionist), 30,231; for Alson J. Streeter of Illinois (Union Labor), 626, and for Robert H. Cowdrey of Illinois (United Labor), 2,668. Miller was defeated by 19,171 plurality, Hill receiving 650,464 to 631,293 for Miller, 30,215 for Jones, 3,348 for Hall.

Although the Prohibition vote ran more than 10,000 below what it had been in 1887, the fact that Jones had only sixteen votes in the State less than Fisk showed how little disposed the Prohibitionists had been to support Miller against the attacks of the liquor-dealers, who in every part of the State devoted them-

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<sup>17</sup>Lincoln, *Messages from the Governors*, VIII, p. 652.

selves to whittling down his vote. In all of the large cities Hill ran ahead of Cleveland, and the returns even from the rural counties showed the picking off of a few Republican votes from Miller in almost every precinct. The warm acknowledgment by Republican politicians that Miller by his thorough and vigorous campaign had carried the State for Harrison, though he himself had "fallen outside the breastworks," as Harrison expressed it in a letter of condolence, did not impress the cynical as disconsolate. In the course of a subsequent attack on Hill, the *Tribune*, in an unguarded moment, charged he had sold a Presidency for a Governorship, and provoked the reply that if this were true some one must have bought a Presidency at the price of a Governorship. The election returns, however, show little evidence of absolute treachery on either side. The natural affinity of the liquor-dealers for Hill on the one hand and the falling away from Cleveland of former Democratic voters opposed to tariff reconstruction on the other hand, were sufficient to account for the anomalous result, with each party organization supporting loyally, if not enthusiastically, its whole ticket. The narrow plurality of 3,425 given to Judge Gray, whose candidacy was not in any sense an issue, but who was loyally supported by both Democratic factions, shows how close was the State in any case, and how small an element might sway it for and against any particular candidate.

The Republicans won 19 of the 34 Congressmen and 79 of the 128 Assemblymen. The death of Henry R. Low, Republican Senator from the Thirteenth district,

necessitated a special election in January, 1889, to fill the vacancy. Peter Ward of Newburgh, a Democrat, was elected, defeating Benjamin B. Odell, Jr., by the narrow margin of 166 plurality. The hold-over Senate then consisted of 20 Republicans and 12 Democrats. A constitutional amendment establishing temporarily a second division of the Court of Appeals to be designated by the Governor from among the Supreme Court Justices was carried by a vote of 498,114 to 55,822. In New York City Tammany had repented of its choice of Mayor Hewitt, who proved over-independent for Croker, and it elected Hugh J. Grant Mayor, polling for him 114,111 votes. The Republicans gave 73,037 votes to Joel B. Erhardt and the County Democracy 71,979 votes to Hewitt.

## CHAPTER XXIX

### HILL'S SWAY UNSHAKEN BY SCANDALS

1889-1890

THOMAS C. PLATT played an influential part in nominating Harrison and demanded his reward. He wanted the Treasury department and, indeed, said he had what he regarded as a binding promise of the office.<sup>1</sup> But when Harrison came to make up his cabinet he declined to honor Platt's draft and Platt had to be content with the privilege of naming his friend and supporter, Benjamin F. Tracy, for Secretary of the Navy, after Depew had declined an offer of any cabinet office except Secretary of State, already allotted to Blaine.<sup>2</sup> Nevertheless Platt and Hiscock were more influential with the administration than Miller or than Evarts, who, although his intellectual abilities were everywhere admired, had ceased to be a potent political figure. Miller's defeat left Platt the scarcely disputed leader of the organization. He made J. Sloat Fassett President *pro tem.* of the Senate in place of Henry R. Low, who had recently died. Cole became Speaker once more without opposition. The Republicans again passed

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<sup>1</sup>Platt, *Autobiography*, p. 206.

<sup>2</sup>Statement of Mr. Depew to the writer, June 15, 1917.

excise and election bills for the Governor to veto. The session was enlivened by a scandal growing out of the repairs to the Assembly ceiling. The great stone vault of that chamber had threatened to bury the legislators. Repairs to it and the Assembly staircase cost \$350,000, of which \$100,000 had, according to the special committee on appropriations, gone into the pockets of the contractor through the neglect of the Assembly committee on construction. A special investigating committee reported that Charles B. Andrews, Superintendent of Public Buildings, and the contractor had conspired to rob the State. Attorney-General Tabor's legal opinion prevented the Capitol trustees from suspending Andrews. The committee found that Comptroller Wemple had, without examination of the work, paid the contractors over \$13,000 more than they were entitled to, even if the work were good. Hill sustained his lieutenants and vetoed a bill to pay Stanford White and other experts who reported that the work was badly done.<sup>3</sup>

When the Democratic State convention was held at Syracuse on October 1, with Lieutenant-Governor Jones presiding, demands were made by the New York delegation for the retirement of both Wemple and Tabor, on the ground that the party must nominate men who had not been involved in any scandals and who could command public confidence. The New Yorkers rallied almost one-third of the convention in favor of Mayor Edward A. Maher of Albany for Comptroller

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<sup>3</sup>New York Tribune, October 25, 1889.

and John Foley of Saratoga for Attorney-General.<sup>4</sup> But Hill renominated his two associates and put through the rest of his ticket without opposition.<sup>5</sup> By changes in the State committee wherever he could seize control of a local organization, Hill had brought under his domination twenty-six of the thirty-four State committeemen and was consolidating his power with a view to the next Presidential election. The convention adopted a platform arraigning the Republicans for defeating anti-monopoly laws and for imposing heavy taxes, and praising Hill for his economies. On the liquor question the platform said: "We do not favor unrestricted sale of intoxicating liquors on the one hand, nor prohibition on the other," and declared that the traffic should be regulated by laws substantially uniform throughout the State. The taxation of corporations and personal property, so that they should bear their full share of the burdens of government, was also demanded.

"Ballot and Temperance reform" was the watchword of the Republican State convention held at Saratoga on September 25. Depew and George B. Sloan presided over its sessions. The gathering was entirely harmonious and the ticket was made up after conference among the leaders. The only rivalry displayed on the floor of the convention was that between Albert Haight of Buffalo and Alfred C. Coxe of Utica—a nephew of

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<sup>4</sup>New York *Tribune*, October 2, 1889.

<sup>5</sup>The ticket was: Secretary of State, Frank Rice, Ontario; Comptroller, Edward Wemple, Montgomery; Treasurer, Elliot Danforth, Chenango; Attorney-General, Charles F. Tabor, Erie; State Engineer, John Bogart, New York; Judge of the Court of Appeals, Denis O'Brien, Jefferson.

Conkling, who had died in the preceding year—for Judge of the Court of Appeals,<sup>6</sup> and the nomination went to Haight, largely for geographical reasons.<sup>7</sup> The platform repeated the former arraignment of Hill for his vetoes and commended Republican legislative policies, including the taxing of collateral inheritances and corporations.

Hill again demonstrated the effectiveness of his political machinery by electing his entire State ticket by pluralities varying from 10,000 to 20,000. Rice polled 505,965 votes, Gilbert 485,545, Jesse H. Griffin (Prohibition) 26,788, Thomas K. Beecher (Labor) 753. Wemple and Tabor, who suffered from the ceiling scandal, had the smallest pluralities. The new Senate stood, Republicans, 19; Democrats, 13. In the Assembly the Republicans had 71 and Democrats 57 votes, and Husted became Speaker. The Democratic gain of one Senator and eight Assemblymen was of great importance to Hill as a sign of progress with his plan to win the Legislature by 1891 and succeed Evarts in the United States Senate.

In the session of 1890 the Governor and the Republican Legislature finally agreed upon a compromise Ballot law. Hill suggested an informal reference of the constitutionality of an official ballot to the Court of Appeals and drew from the Senate judiciary committee

<sup>6</sup>New York *Tribune*, September 26, 1889.

<sup>7</sup>The ticket was: Secretary of State, John I. Gilbert, Franklin; Comptroller, Martin W. Cooke, Monroe; Treasurer, Ira M. Hedges, Rockland; Attorney-General, James M. Varnum, New York; State Engineer, William V. Van Rensselaer, Seneca; Judge of the Court of Appeals, Albert Haight, Erie.

an exhaustive historical review of the evils of such confusion of legislative and judicial functions.<sup>8</sup> He conceded the use of an official ballot, but gained a substantial victory in the provision for separate official ballots for each party with the privilege of using pasters on them.<sup>9</sup> This relieved the parties from the expense of printing ballots, safeguarded the secrecy of the vote except so far as it might be revealed by the pasters, but still left the illiterate or subservient voter full opportunity to take into the booth the ticket furnished to him beforehand.

Requirement of personal registry was extended to all cities of the State, and registry without personal attendance was prescribed for all villages and rural districts. On the recommendation of the State Commission in Lunacy, which had been created in 1889, the Legislature ordered the removal of all insane persons from the rural county asylums and their care in State institutions. The Legislature for the second time passed a Prohibition amendment and ordered its submission at a special election in April, 1891. But the Legislature of that year failed to make the necessary provision for the election and the amendment was never submitted.<sup>10</sup> The long campaign that Andrew H. Green had been carrying on for the creation of Greater New York achieved its initial success in the appointment of a special commission to consider the expediency of consolidating the municipalities about New York harbor, and Green became chairman of it.

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<sup>8</sup>Lincoln, *Messages from the Governors*, VIII, p. 1044.

<sup>9</sup>Lincoln, *Messages from the Governors*, VIII, p. 1005.

<sup>10</sup>Lincoln, *Messages from the Governors*, VIII, p. 923.

The project of holding the World's Columbian Exposition in New York City provoked a bitter political wrangle, which turned the fire of a large part of the New York press on the rising power of Platt and fixed the public mind on him more sharply than ever before as a political leader. The Republicans objected to giving all power over the projected affair to a committee of 104 citizens, alleging that it would be used by Tammany to obtain patronage and contracts. Finally on the suggestion of Depew, a compromise was effected requiring a two-thirds vote of the committee for any important action. Platt and Hiscock and the Democrats accepted this and the Governor signed the bill for the fair,<sup>11</sup> but Congress gave preference to the claims of Chicago.

The Senate cities committee, under J. Sloat Fassett, spent many weeks investigating the affairs of New York City. Mayor Grant and other officials were subjected to examination in the efforts to show abuses by the Tammany government. The most important political revelation was that of Patrick H. McCann, a brother-in-law of Richard Croker. McCann, who had been closely associated with Croker and Grant but had broken with them, testified that Croker made Grant Sheriff in 1885 on the understanding that he was to have \$25,000 of the receipts of the office and that Grant in 1886 and 1887 had paid this sum in \$5,000 installments, placed in envelopes and handed to Croker's daughter Flossie, a child of between one and three years old.

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<sup>11</sup>New York Tribune, February 18, 1890; Lincoln, *Messages from the Governors*, VIII, pp. 933, 996.

Croker had taken this money and used it to pay off a mortgage on his house. After evasive interviews to the newspapers, Grant admitted to the committee that he had given \$10,000 in the manner described to Flossie, who was his godchild. He took the obligation of this relationship very seriously, and the gifts were in no way a political payment or intended for Croker. Yet he knew nothing of what this child had done with the money after he had handed it to her.<sup>12</sup>

As the only State officer to be chosen at the fall election was a Judge of the Court of Appeals, neither of the leading parties held a State convention. The Republican State committee on September 2 in New York nominated Robert Earl, a Democrat, to succeed himself, and adopted resolutions commending the administration of President Harrison and the actions of Speaker Reed, whose "czar rules" to overcome legislative obstruction were the object of strenuous attack by the Democrats.<sup>13</sup> The resolutions also approved the then pending McKinley bill, the reciprocity project, and the proposal for Federal control of Federal elections. On September 23 the Democratic State committee met in New York and also renominated Earl. It urged the union of the Democratic factions in New York City on Congress, Assembly, and city candidates, and attacked the Republican program in Congress, especially with reference to Federal elections and customs administration.<sup>14</sup>

<sup>12</sup>*Senate Documents*, 1891, Vol. IX, No. 8, p. 662 *et seq.* and p. 732 *et seq.*; also *New York Tribune*, April 27 and May 4, 1890.

<sup>13</sup>*New York Tribune*, September 3, 1890.

<sup>14</sup>*New York Tribune*, September 24, 1890.

A decided reaction against the Republican party set in throughout the country. The McKinley bill became a law in October. Its extreme provisions alienated many moderate Republican protectionists, and its unpopularity was promoted by allegations that the marked rises of price on many articles of general consumption were due to the increased duties. Harrison was not personally popular with his party, and the protest against Speaker Reed's rules was at its height, though when the Democrats came into control of the House the next year they were forced to pay the tribute of imitating them. The tidal wave swept over New York, giving the Democrats 23 of the 34 Congressmen, a gain of 7, and 68 out of the 128 Assemblymen. For Judge, Earl polled 927,243 votes, Silas W. Mason (Prohibition) 33,621, and Francis Gerau (Socialist Labor) 13,337. The revelations of the Fassett committee aroused a movement for municipal reform, in which the Republicans and County Democracy joined. They indorsed the nomination made by the People's Municipal League of Francis M. Scott, a Democrat, for Mayor. Tammany renominated Grant, and notwithstanding the criticisms of his administrative course both as Sheriff and Mayor he won by 23,199 plurality.

## CHAPTER XXX

### THE STOLEN SENATE

1891-1892

THE Democratic majority of eight in the Assembly gave to the party a preponderance of two on joint ballot, as the hold-over Senate stood 19 Republicans and 13 Democrats. The Speakership, agreeably to Governor Hill's wish, went to William F. Sheehan, and Hill was elected to the United States Senate to succeed Evarts, for whom the complimentary vote of the minority was cast. But Hill had no intention of loosening the grip on the Democratic organization that the Governorship gave him. He was a candidate for President, and his followers were already in newspaper controversy with the friends of Cleveland, who, although deprived of patronage and organization influence, were active in advocating the ex-President's third nomination. So Hill continued in the Governor's office, but it was expected that he would resign when Congress met in December, 1891, and actual service was required of him in the Senate. But even then, after his own chosen successor as Governor had been elected, he left his seat in the Senate vacant and, much to the disappointment of Lieutenant-Governor Jones, who wanted the honor of sitting even

for a few days in the Governor's chair, held the reins to the end of his term. He would take no chance on what the Lieutenant-Governor might do with the briefest lease of power.

In two of his best written messages,<sup>1</sup> which reviewed the development of English parliamentary procedure, Hill recommended a constitutional amendment transferring to the courts jurisdiction over disputed elections to the Legislature. Our law making legislative bodies sole judges of the election of their own members was taken from the English merely as a matter of tradition. It originated in England as one of the bulwarks of popular freedom against encroachments of the crown. But even before it was adopted into our Constitutions, decisions had been made practically judicial in England by reference of cases to committees chosen by lot, and subsequently Parliamentary elections cases were transferred to the courts. Both the Republican Senate and the Democratic Assembly adopted the Governor's view and passed a resolution for an amendment, which was passed for the second time the next year, but voted down by the people.

Looking out in the summer for an available candidate for Governor, Platt fixed upon Andrew D. White. After carefully considering the objections that White himself modestly urged to the nomination, especially the objection that some of his early philosophical writings were disliked by orthodox church people, Platt fully determined on the nomination and it was

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<sup>1</sup>Message of May 5, 1890, and annual message of 1891; Lincoln, *Messages from the Governors*, VIII, pp. 982, 1074.

generally accepted in the newspapers as a settled thing.<sup>2</sup> But the idea was not popular with the rank and file of the party. Nobody questioned White's ability or character, but he was one of the "intellectuals" who created no enthusiasm with the party workers and from whom they expected no rewards. J. Sloat Fassett aspired to the nomination, though Platt advised against it. Fassett had been his closest representative in the Senate and had just been appointed Collector of the Port of New York, succeeding Joel B. Erhardt, who had been forced out for unwillingness to use the office in the interest of the Platt organization. He would, Platt felt, have to carry into the campaign the whole weight of the personal opposition to Platt.<sup>3</sup> Though Fassett did not declare himself a candidate, his name was kept under discussion. He had a large number of enthusiastic friends in the Legislature, where he was deservedly popular, and among politicians not allied with Platt.

When the State convention met at Rochester on September 9, objections to White were showered on Platt by politicians of both factions. White himself relieved Platt by a letter, dated September 8, refusing to allow his name to be presented in view of the situation that had developed.<sup>4</sup> Beside Fassett, who had the support of the entire New York delegation and that of Warner Miller's county of Herkimer, James W. Wadsworth appeared as a candidate and had the support of James J. Belden, James S. Sherman,

<sup>2</sup>White, *Autobiography*, I, p. 230 *et seq.*

<sup>3</sup>White, *Autobiography*, I, p. 232; Platt, *Autobiography*, pp. 215, 216.

<sup>4</sup>New York Tribune, September 10, 1891.



FRANK HISCOCK

Frank Hiscock; born in Pompey, New York, September 6, 1834; pursued academic studies; studied law; admitted to the bar in 1855 and began practice in Tully, Onondaga county; elected district attorney of Onondaga county and served from 1860 to 1863; delegate to the state constitutional convention in 1867; elected as a republican to the 45th congress and to the five succeeding congresses, serving from March 4, 1877 to March 3, 1889; elected to the United States senate and served from March 4, 1887 to March 3, 1893; died, Syracuse, N. Y.,



Edmund L. Pitts, and Leslie W. Russell. Kings county had not taken kindly to White, and had sent its 81 delegates with a boom for General Woodford. Buffalo presented ex-Mayor Philip Becker, and General Carr had a small but enthusiastic following. W. W. Goodrich was temporary and James M. Varnum permanent chairman of the convention. Much to the disgust of Belden, who remained in his hotel and would not enter the convention,<sup>5</sup> Platt accepted the suggestion of Fassett when he found White unavailable. Before the first ballot had been finished the rules were suspended and Fassett was nominated by acclamation. Up to the time when the ballot was discontinued, the vote had been: Fassett, 514; Wadsworth, 85; Woodford, 83 (all but 2 from Kings county); Carr, 37; Becker, 52; White, 1. There was no need to conciliate the Miller men, some of whom had helped to force Fassett on Platt. But the swing of Herkimer into his column was recognized by the nomination of John W. Vrooman for Lieutenant-Governor.<sup>6</sup> The platform commended the Harrison administration and the McKinley tariff, including its provisions for reciprocity. It met the growing western demand for silver by declaring that every dollar must be kept as good as every other dollar. It urged the enforcement of the Alien Contract Labor law and favored a blanket ballot in place of the separate

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<sup>5</sup>New York *Times*, September 10, 1891.

<sup>6</sup>The ticket was: Governor, J. Sloat Fassett, Chemung; Lieutenant-Governor, John W. Vrooman, Herkimer; Secretary of State, Eugene F. O'Connor, Kings; Comptroller, Arthur C. Wade, Chautauqua; Treasurer, Ira M. Hedges, Rockland; Attorney-General, William A. Sutherland, Monroe; State Engineer, Verplanck Colvin, Albany.

party ballots that the Republicans had been forced by Hill to adopt.

Fassett's nomination was generally well received. On the morning after it was made the *New York Times*, one of Cleveland's staunchest supporters, said: "Unlike the Democrats, the Republicans of New York have never, in recent years, nominated for the Governorship a man who in respect to ability and character was unworthy to hold the office. Mr. Fassett sustains and even advances the standard of that honorable tradition." Attempts were made to represent the nomination as a betrayal of White by Platt. On the other hand, it was said that Platt's initial selection of White was based on expectation of defeat and readiness to sacrifice an eminent reformer, but that his enemies had forced him to be, himself, the issue in the person of one of his closest friends. Both charges were probably unjust. White himself acquitted Platt of all blame. Platt, who certainly wanted to win, realized his own unpopularity as leader of the political machine and doubtless picked in good faith the candidate who seemed to him most available in a difficult situation.

Hill's problem was scarcely less difficult. Roswell P. Flower entered the lists with the support of Tammany Hall. Alfred C. Chapin, Mayor of Brooklyn, was also ambitious for the Governorship and saw in it his only political future, because the popular feeling over his attempt to purchase for the city a private water company, largely owned by members of the McLaughlin ring, had made him unavailable as a candidate for reëlection. The court proceedings that defeated this

water purchase were conducted by William J. Gaynor and brought him the popularity that helped him to the Supreme Court bench and afterward to the New York Mayor's chair. In the interest of harmony St. Clair McKelway of the Brooklyn *Eagle* elaborately advocated a Democratic program of Cleveland as President, Hill as Senator, and Chapin as Governor.<sup>7</sup> But Hill did not take to it. He meant to be President himself, and every move in the game was to keep the Albany machinery working in his interests. Flower was not one of his coterie, but he hesitated to antagonize Tammany, and moreover he had no available candidate himself. He could not trust Chapin and McLaughlin to support him through thick and thin against Cleveland. Chapin's friends thought Hill was promised to them, but the water scandal gave him a chance to persuade McLaughlin that he could not deliver the nomination and to throw his strength for Flower.

The State convention was held at Saratoga on September 16. George Raines presided and Tammany received recognition as the sole representative of Democracy in New York City. Flower's nomination was a foregone conclusion, but McLaughlin gave his about-to-be discarded Mayor the compliment of the delegation and a vociferously warlike spokesman, William C. DeWitt. DeWitt in presenting Chapin's name defended his course as Mayor, which had been attacked as ring-ridden and corrupt. Then he broke forth in an attack upon Flower's candidacy, which astonished and angered Chapin's opponents and dis-

<sup>7</sup>Brooklyn *Eagle*, March 10, 1890; June 21, 1891.

mayed his friends. "I cannot understand," he said, "why men always want to be something they are not, and why some politicians always want to fill offices for which they are not fitted. . . . The jackass when he got into the lion's skin did not become a lion." "Kings county has come here with a face of iron, set against the money power," he added, with reference to Flower's wealth as the well understood basis of his political consideration; and, turning to threats, he declared that Kings county would support the ticket, but if defeated would retire "in a sullen and surly temper."<sup>8</sup> This astonishing outbreak did not change the program, and Flower received 334 votes to 43 for Chapin, all of which came from Kings, Queens, and Richmond.<sup>9</sup>

The platform, like the Republican, was square in its declaration against the coinage of silver dollars not of the intrinsic value of any other dollar of the United States. It denounced the Sherman Silver and the McKinley Tariff bills, blamed the Republicans once more for the failure to take a census, hold a Constitutional convention, or make a reapportionment of Congress districts, and proposed a revision of the tax laws so as to reach personal property.

The Democratic campaign was largely devoted to an attack upon Platt and on Fassett as his representative, while Fassett, who was best known throughout the State for his investigation into New York abuses,

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<sup>8</sup>New York *Times*, September 17, 1891.

<sup>9</sup>The ticket was: Governor, Roswell P. Flower, New York; Lieutenant-Governor, William F. Sheehan, Erie; Secretary of State, Frank Rice, Ontario; Comptroller, Frank Campbell, Steuben; Attorney-General, Simon W. Rosendale, Albany; State Engineer, Martin Schenck, Rensselaer.

centered his fire upon Tammany and the threatened extension of its power to Albany. This plea, however, did not especially arouse the rural voter, and the Cleveland Democrats were too much interested in the coming Presidential nomination to break with the party. The Democrats had a large campaign fund and made an unusually thorough campaign. Flower won by 47,937 plurality, the vote being: Flower, 582,893; Fassett, 534,956; John W. Bruce (Prohibition), 30,353; Daniel DeLeon (Socialist), 14,651. Sheehan's plurality for Lieutenant-Governor was 34,419, and the other Democratic candidates received about 43,000 plurality. The Democrats again won the Assembly, which stood, Democrats, 67; Republicans, 61. The Senate was in doubt, and Hill's desperate effort to obtain control developed into one of the most notable, and, in its effects on personal and party fortunes, most far-reaching political scandals in the history of the State. No such striking abuse of the election machinery had occurred in New York State since 1792, when John Jay was deprived of the Governorship by the throwing out of the votes of three counties on pretexts of the most extreme technicality in clear denial of substantial justice and the rights of voters.

Each party had elected fourteen Senators beyond question, while four seats were in dispute. The Democrats contested the election of a Republican in the Troy district on charges of minor irregularities, which the courts held to be without merit. In the Steuben county district, Franklin D. Sherwood, Republican, received 1,762 plurality, but Charles E. Walker, Democrat,

claimed the seat on the ground of Sherwood's ineligibility as Park Commissioner of Hornellsville. In Onondaga county Republican official ballots, indorsed with the number of the district for which they were intended, had been in several cases exchanged, so that voters in the one district cast ballots indorsed on the back for another district. The law required the issue of official ballots, and gave the voter no practical alternative to the use of ballots that had been missent by official error. If these 1,252 ballots were rejected, the seat would be taken from Rufus T. Peck, Republican, for whom a majority of the electors undoubtedly voted, and given to John A. Nichols, Democrat. In the Dutchess county district a majority of the votes was cast for Gilbert A. Deane, but some of the Deane ballots were marked by a printer's quad. The Democratic county board of canvassers declared that this, though it was evidently a mere typographical blemish, made the votes illegal as marked ballots; and when the County Clerk refused to sign a certificate giving the count to Edward B. Osborne, the Democratic candidate, the board appointed one of its own number to sign the certificate and transmitted to the State board of canvassers this certificate, which was afterward known by the name of the signer as the "Mylod return." For refusing to sign the certificate, Governor Hill removed the County Clerk and appointed in his place Storm Emans, a Democrat.

All of these cases were taken into the courts, and a tangle of conflicting orders resulted. In the Dutchess county case, Justices Barnard and Cullen,

both Democrats, issued orders to Emans to forward a correct return showing the election of Deane. Emans did so, putting in the mail triplicate certificates addressed to the Governor, the Secretary of State, and the Comptroller. After he had mailed them he received an order from Justice Ingraham not to forward them. Apparently honestly uncertain of his duty, he followed them to Albany, and there, after consulting with Hill and with Isaac H. Maynard, Deputy Attorney-General who was actively advising with the Democratic interests, he obtained the three certificates and took them back to Poughkeepsie.

On December 29 the Court of Appeals, to which the decision of all the issues had been committed by a stipulation of all the parties, including the members of the State board of canvassers, handed down its decision. The Troy seat was given to the Republicans without division.<sup>10</sup> The Onondaga seat was given to the Democrats by the vote of Chief-Judge Ruger and Judges Earl, Gray, and O'Brien, all Democrats, while Judges Andrews and Finch, Republicans, and Judge Peckham, Democrat, dissented.

Although the long Democratic fight against an official ballot had been based on concern for the inherent right of the voter to have his vote cast and counted and not invalidated by any circumstances beyond his control, the majority of the court construed the misnumbering, which apparently nobody challenged while the voting was going on, as a mark invalidating the ballots. It would not even allow them to be

<sup>10</sup>People *ex rel.* Derby vs. Rice, 129 N. Y., p. 461.

considered unofficial ballots, the use of which was permitted in case the proper ballots were lost or destroyed. It refused to concede that, if these ballots were not proper official ballots, there were no official ballots and therefore unofficial ballots were legal. It held the ballots official and therefore the only ones that could be cast by those wishing to vote the Republican ticket, and then threw them out as illegal. In dissent Judge Andrews wrote a strong opinion in which he said: "To reject these votes on the ground that the policy of a secret ballot was thereby invaded, is subordinating the right of suffrage to an unanticipated incident. . . . This decision defeats the will of the majority and subverts, in the particular case, the foundation principle of republican government, and this upon a narrow, technical, harsh, and unnecessary construction of the law. In place of protecting the right of suffrage, it destroys it."<sup>11</sup>

In the Steuben county case the majority of the court held that Sherwood was ineligible and refused him a mandamus to compel the State board of canvassers to give him a certificate, on the ground that this writ could be given only to secure a clear legal right. At the same time it declared unequivocally that the duty of the State board of canvassers was purely ministerial; it had no right to consider the question of Sherwood's eligibility. That could only be determined by the Senate itself. Judges Finch and Andrews dissented, holding that, as the canvassers had no right to pass on Sherwood's eligibility, they should be ordered to certify the

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<sup>11</sup>People *ex rel.* Nichols vs. Board of Canvassers, 129 New York, p. 443.

true count, which the court said was their sole duty, especially as the proceedings indicated an intention to sit in judgment on the question. These Judges also condemned the action of the court itself in determining Sherwood's qualification and on that ground refusing him relief, while admitting that it had no jurisdiction over the question, which belonged exclusively to the Senate.<sup>12</sup>

The Dutchess county case came up on appeal from a writ of mandamus ordering the State board of canvassers to disregard the "Mylod return" and consider only such return as might thereafter be filed, certified to by the County Clerk of Dutchess. The court unanimously held that the certificate of the County Clerk was not necessary to a valid return and that the "Mylod return" was valid in form but uncontradictedly incorrect in fact, and that if a correct return was filed it could be counted. The court therefore affirmed the writ commanding the State board to disregard the "Mylod return," merely modifying it by striking out the provisions requiring a return to be certified by the County Clerk.<sup>13</sup>

On the evening of the 29th, immediately after the decisions were read, and before formal orders were entered, the State board of canvassers met and issued certificates to the Republican from Troy and the Democrat from Syracuse in accordance with the decision. That left the Senate 15 to 15. Then, despite the court's decision that they had no right to judge of

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<sup>12</sup>People *ex rel.* Sherwood vs. Rice, 129 New York, p. 391 *et seq.*

<sup>13</sup>People *ex rel.* Daley vs. Rice, 129 New York, p. 449 *et seq.*

Sherwood's eligibility, the canvassers refused to certify his election, which would have given him his seat temporarily pending a decision of the contest by the Senate, and instead adopted a resolution declaring that he was ineligible and that the board was unable to certify any election in that district. When they came to the Dutchess case, the canvassers interpreted the court's decision as an affirmation of the legality of the "Mylod return" in the absence of any other. The Republican counsel protested and called attention to the forwarding of the true return and demanded to know what had become of it. Attorney-General Tabor denied any knowledge on the subject. Frank Rice and Wemple sat silent, and Maynard, acting as counsel for the board, also sat silent, although both he and Rice knew that it had been officially delivered to the Secretary of State's office. Counting the "Mylod return," the board gave the certificate to Osborne, so that when the Senate convened there were 16 Democrats and 15 Republicans, and the Democrats promptly used their stolen plurality of one to give the Steuben seat to Walker, Sherwood's opponent, thus giving them control of the Senate by 17 to 15.

This high-handed action was bitterly denounced by independents, as well as Republicans. Indignation became more pronounced when on the sudden death of Chief-Judge Ruger, Governor Flower on January 19 appointed Maynard an Associate-Judge of the Court of Appeals in place of Earl, who was advanced to the Chief-Judgeship. This was generally regarded as a reward for Maynard's services in the contest. Still the

criticism was mainly directed to the impropriety of rewarding political service with a seat on the bench and did not go farther than to denounce Maynard's participation as legal adviser in the manipulations of others. But immediately an unexpected shock aroused the State. Proceedings for contempt had been taken against Emans for disobedience to the court's order to transmit the true return. This brought out the fact that all three copies had been legally in the custody of members of the State board of canvassers. On the morning of December 22 Emans, after consultation with Hill and Maynard, visited the Executive chamber, where the Governor's messenger went through the unopened morning's mail and gave back to Emans the envelope containing the return, fifteen minutes before Governor Hill appeared in the office. The Secretary of State himself permitted Emans to take the paper from his desk, that he "might not be embarrassed" when they came to canvass the "Mylod return." Maynard accompanied Emans to the Comptroller's office, where he was well known as Deputy Attorney-General, and himself took from the messenger the return and gave it to Emans. The messenger testified that when Comptroller Wemple came to the office he told him that he had taken the paper at Maynard's request from the mail on the Comptroller's desk and Wemple said it was all right.<sup>14</sup> Yet Wemple, Rice, and Maynard sat silent when the lawyers were asking if the lawful certificate

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<sup>14</sup>New York *Tribune*, reports of testimony, January 21, February 2 and 11, 1892.

had not been received, and Tabor denied all knowledge of it.<sup>15</sup>

Justice Cullen dismissed the contempt case against Emans, holding that the latter had obeyed the court in transmitting the return, and saying that the crime, which he did not hesitate to characterize as a crime, of withdrawing it from the board of canvassers had been committed subsequently and been participated in by the public officials. Two years later the Court of Appeals (Judges Earl and O'Brien alone dissenting) punished Rice and the other members of the board of canvassers for contempt of court in counting the "Mylod return."<sup>16</sup>

The revelation that a Judge of the Court of Appeals had been guilty of taking from a public office official documents in order to permit a fraudulent canvass of votes resulting in a fraudulent majority for his party in the State Senate, and had in fact owed his judicial position to that theft, aroused the greatest indignation. The Bar Association of New York City, under the leadership of some of the most respected Democratic lawyers, in March condemned Maynard's conduct and in December reiterated its condemnation.<sup>17</sup> By a strictly partisan vote, the Democratic majority in both the Senate and Assembly approved Maynard's conduct in connection with the abstracted election return.<sup>18</sup> When in December Maynard's appointment expired

<sup>15</sup>New York Tribune, December 30, 1891.

<sup>16</sup>People *ex rel.* Platt vs. Rice, 144 N. Y., p. 249.

<sup>17</sup>New York Tribune, March 23 and December 31, 1892.

<sup>18</sup>New York Tribune, April 21, 1892.

with the return of Earl to his former seat, Governor Flower defied public opinion by appointing him to sit for another year in the seat vacated by Andrews, who had been elected Chief-Judge. A year later the Democracy, feeling bound to defend itself through him, nominated him for a full term, and his crushing defeat marked the turn of the tide that was to give the Republicans sixteen unbroken years of complete control of the State government.

# CHAPTER XXXI

## THE RETURN OF CLEVELAND

1892

WITH Sheehan as Lieutenant-Governor presiding over the Senate, and Robert P. Bush of his own county of Chemung in the Speaker's chair, Hill proceeded to carry out his long deferred program. A bill was passed for an enumeration to be made between February 16 and 29. When the bill as originally introduced was brought up in the Senate, without ever having been reported or considered in committee, a substitute bill, which had never been printed or even engrossed, was offered for final passage and ordered to vote without debate. Senators Erwin, Saxton, and O'Connor refused to vote on a bill that they had had no chance even to read, and for this were declared in contempt and suspended for a week.<sup>1</sup> The bill reapportioning Congress districts on the basis of the Federal census of 1890 was passed. The Excise laws were codified and the tax much reduced, that for general saloons being made \$250 and that for the sale of ale and beer from \$30 to \$75. An extra session of the Legislature was held on April 25 to reapportion the Senate and Assembly districts according to the February

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<sup>1</sup>New York Tribune, January 15, 16, 20, 21, 1892.

enumeration, which had been thus taken in midwinter to make possible the apportionment before another election. The new apportionment greatly increased the power of the Democrats. The Republicans denounced it as grossly unfair: For instance, Dutchess with 78,000 inhabitants received two Assemblymen, while St. Lawrence with 86,000 received only one. Monroe with 200,000 had only three Assemblymen, and Albany with 167,000 had four. The average population of a Senate district in New York City was 174,059, while five Republican counties in western New York, including Ontario, were grouped into a district containing 207,678 people.<sup>2</sup> Nevertheless the Court of Appeals by a divided vote sustained the apportionment, and Republican complaints did not excite much indignation among those who remembered that for years these now unjustly treated Republican districts had been over-represented and that the Republicans when in authority had never been dispassionately attentive to apportionment inequalities. The Legislature also passed an act for the election in February, 1893, of a Constitutional convention to meet in May, 1893. It was to be composed of one delegate from each Assembly district, thirty-two delegates-at-large to be equally divided between the major parties, and five representatives of labor interests and three of Prohibitionists, to be appointed by the Governor.

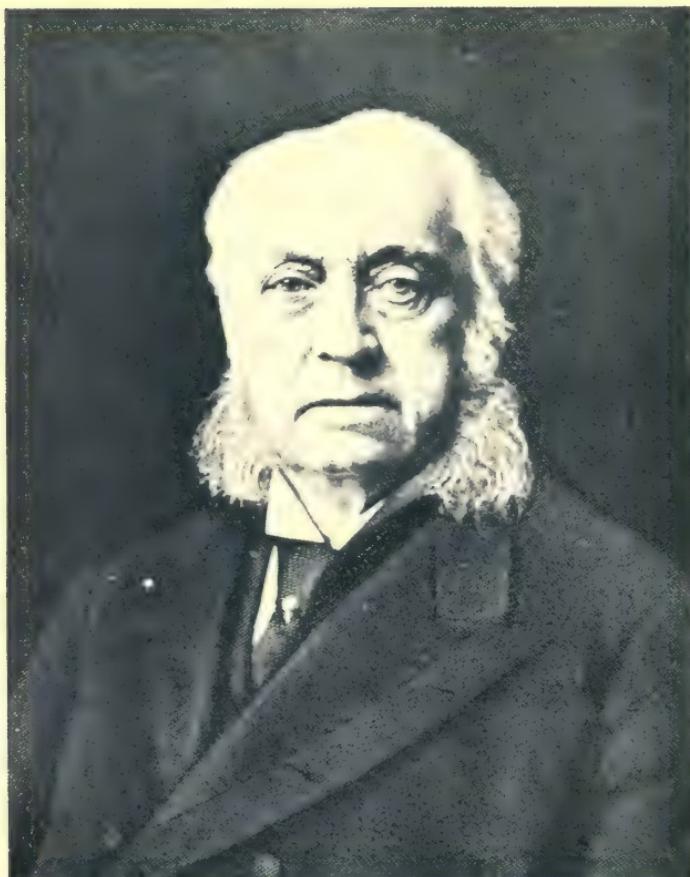
The practice of electing delegates to national conventions in the middle of the spring was well settled in New York, but Hill determined to steal a march on

<sup>2</sup>New York Tribune, April 29, 1892.

Cleveland and get the delegates before his opponents could have a chance to organize. He had a firm grasp on the party machinery and on short notice could carry the caucuses. So he caused the Democratic State convention to be called to meet at Albany on February 22. Cleveland Democrats were loud in protest and immediately set to work to organize what was known as the "Anti--snapper" movement, the master spirit of which was William R. Grace, aided by such men as E. Ellery Anderson, Edward M. Shepard, George Foster Peabody, Daniel Magone, Charles S. Fairchild, Franklin D. Locke, Robert A. Maxwell, and Oscar S. Straus. These men held a preliminary meeting in Albany at the same time as the State convention, and after protesting against the snap convention adjourned to meet at Syracuse on May 31, where with John D. Kernan in the chair they adopted a platform declaring that Cleveland was the choice of the overwhelming majority of the Democrats of New York and that the rest of the country could rely on his ability to carry the State. They also chose delegates to the national convention, those at-large being Frederic R. Coudert, Alexander E. Orr, Mayor Charles F. Bishop of Buffalo, and Edmund Fitzgerald of Troy.<sup>3</sup> The regular convention was presided over by George M. Beebe and Daniel E. Sickles, both of whom found it desirable to defend Hill's course in getting control of the Senate. The convention declared for sound money and against the Sher-

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<sup>3</sup>New York Tribune, June 1, 1892. See also Everett P. Wheeler, *Sixty Years of American Life*, p. 203 *et seq.*, and George F. Parker, *Recollections of Grover Cleveland*, ch. ix.



CHARLES ANDREWS

Charles Andrews, jurist; born, New York Mills, N. Y., May 27, 1827; educated at Cazenovia seminary; admitted to the bar, 1849 and practiced in Syracuse; district attorney of Onondaga county, 1853-1856; mayor of Syracuse, 1861 and 1868; delegate to the constitutional convention, 1867; associate judge court of appeals, 1870-1880; in 1881 he was appointed by Governor Cornell as chief judge of the court of appeals to fill the vacancy caused by the resignation of Charles J. Folger but in 1882 was defeated for the office by his democratic friend and neighbor, William C. Ruger; elected judge of the court of appeals in 1884 and chief judge, 1892, serving until he retired at the age limit; died at Syracuse, N. Y., October 22, 1918.





JOSEPH HODGES CHOATE

Joseph Hodges Choate, lawyer; born in Salem, Mass., January 24, 1832; graduated at Harvard, 1852, and law school, 1854; admitted to the bar in Massachusetts, 1855, in New York, 1856; counsel for Gen. Fitz John Porter in West Point investigation before the board of officers appointed by President Hayes which resulted in the reversal of the original court martial; took part in the municipal campaign in New York City in 1871 which resulted in the overthrow of the Tweed ring; president of state constitutional convention of 1895; died, New York City, May 14, 1917.



man Silver Purchase act, instructed the delegation to support Hill as a unit, presenting him as a "Democrat who has led his party from victory to victory for seven successive years and who has never known defeat." The delegates-at-large were Roswell P. Flower, Edward Murphy, Jr., Daniel E. Sickles, and Henry W. Slocum. Among the alternates it is curious to find the names of Tilden's friend, Manton Marble, and more especially his other friend, John Bigelow, a life-long devotee of scrupulous politics.<sup>4</sup> Their presence in the Hill camp gave some indication of the break between Cleveland and the old Tilden interests.

The Republicans held their State convention in Albany on April 28. William A. Sutherland was temporary chairman, and Whitelaw Reid, who had just returned from the French mission, permanent chairman. Theodore B. Willis wanted to instruct for Harrison, but was persuaded not to offer a resolution to that effect. The convention commended the administration of Harrison and Blaine's course as Secretary of State and denounced the Democratic theft of the Legislature and its partisan legislation. Platt, Depew, Hiscock, and Miller were chosen delegates-at-large to the national convention, which met in Minneapolis on June 7. Harrison's nomination was a foregone conclusion, but he was not popular with the politicians of his own party. In New York Hiscock, Depew, and Reid gave him earnest support. Hiscock was, indeed, one of his most influential advisers. Platt considered that broken pledges had deprived him of the Treasury

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<sup>4</sup>New York Tribune, February 23, 1892.

department and was implacable, although he had been made the chief fountain of patronage in New York and Erhardt had been displaced to please him. Miller also opposed Harrison. Working in harmony with Platt and Miller against Harrison were Matthew S. Quay of Pennsylvania and James S. Clarkson of Iowa. Although Blaine had written a letter declining to be a candidate,<sup>5</sup> his name was used in an effort to elect anti-Harrison delegates. Three days before the convention, Blaine suddenly resigned from the cabinet without giving any public explanation. This course was variously interpreted as a bid for the nomination, as an effort to free himself from the embarrassment of remaining in the President's official family while despite himself his name was being used against the President, or as a mere evidence of ill-health and weariness. But he himself would say nothing about the Presidency. Harrison appointed John W. Foster to succeed him after Depew had declined with an understanding that he would take the State department in the next administration if the Republicans were successful.<sup>6</sup>

At Minneapolis, J. Sloat Fassett was temporary chairman and New York took a prominent part in both the Harrison and Blaine interests. Hiscock and Depew made speeches seconding Harrison, who was nominated by R. W. Thompson of Indiana. Senator Wolcott of Colorado nominated Blaine, and Miller seconded him. The opposition to Harrison made extravagant claims, and sought by delay for some chance to make them

<sup>5</sup>New York *Tribune*, February 8, 1892.

<sup>6</sup>Statement of Mr. Depew to the writer, June 15, 1917.

good, but on the first ballot, taken on June 10, Harrison was nominated, receiving 535 1/6 votes to 182 1/6 for Blaine, 182 for William McKinley, 4 for Thomas B. Reed, and 1 for Robert T. Lincoln. Platt and Miller were able to carry 35 of New York's 72 votes to Blaine, while Harrison had only 27. Ten went to McKinley, on whom, though not a candidate, many who wanted neither Blaine nor Harrison centered their votes.<sup>7</sup> By common consent New York was asked to name the candidate for Vice-President. Whitelaw Reid was suggested and Depew supported him, although some feared that he would be unacceptable to the labor unions because his newspaper printing office had until a short time before been a non-union shop. When Depew proposed Reid to Platt, who had for some time been fostering a growing dislike for the editor and later became his bitter enemy, Platt replied: "I'm for it, it beats this damned ticket, and that's what I want."<sup>8</sup> Edmund O'Connor presented Reid. After the name of Thomas B. Reed had been suggested and withdrawn, the New Yorker was nominated by acclamation.

The Democratic national convention met in Chicago on June 21. The southerners and westerners were in control, and the positive anti-protectionist elements by a vote of 564 to 342 rejected a tariff straddle and incorporated in the platform an outright declaration that the imposition of duties, except for revenue, was unconstitutional. The New York "Anti-snappers" were present

<sup>7</sup>Curtis, *The Republican Party*, II, 239 *et seq.*; *New York Tribune*, June 8, 9, 10, 11, 1892; *Official Proceedings* of the convention, p. 113.

<sup>8</sup>Statement of Mr. Depew to the writer, June 15, 1917.

in force, but under the advice of William C. Whitney and other Cleveland leaders they did not contest the seats of the Hill delegates. Whitney, who had become the generalissimo of the Cleveland forces, saw more difficulty in electing than in nominating Cleveland, and did not mean to give any excuse for a factional bolt in New York. Hill's name was presented to the convention by William C. DeWitt, and before the vote was taken W. Bourke Cockran made a frank and dignified speech describing Tammany's attitude toward Cleveland. Tammany supported Hill, but Croker displayed no bitterness and rumors were rife that he would be glad, if the contest was prolonged, to turn to Flower as a dark horse. But the persistence of the Hill vote was never tested, for Cleveland was nominated on the first ballot, receiving 617 1/3 votes. Hill had 114, Governor Horace Boies of Iowa 103, Gorman 36½, Adlai E. Stevenson of Illinois 16 2/3, John G. Carlisle 14, William R. Morrison 3, James E. Campbell 2, and Robert E. Pattison, William E. Russell, and William C. Whitney each 1. Beyond the 72 votes from New York and 11 from Virginia, Hill received only scattering votes, 5 from Georgia, 4 from Massachusetts, 3 from Mississippi, 3 from South Carolina, 2 from Alabama, and 1 each from Louisiana, Maine, New Mexico, Texas, and West Virginia. The Hill people had expected much from Indiana, and after its swing to Cleveland under the leadership of Governor Isaac E. Gray, who was a candidate for Vice-President, they had the small comfort of revenging themselves by

voting for Adlai E. Stevenson, who received the nomination.<sup>9</sup>

From the first the Republicans faced an uphill campaign. The rise of the Populist movement in the west threatened their ascendancy in States usually counted safe. The Populists nominated James B. Weaver of Iowa and James G. Field of Virginia, and in several States the Democrats fused with them more or less completely, indorsing their Electoral ticket or dividing the Electors between the two parties. The other minor tickets were: Prohibition—John Bidwell of California and J. B. Cranfill of Texas; Socialist-Labor—Simon Wing of Massachusetts and Charles H. Matchett of New York. In New York no concealment was made by Platt of his dislike for the President, though he was induced to make a speech at Cooper Union supporting the ticket.<sup>10</sup> The McKinley tariff was unpopular, and strong financial interests favored Cleveland and were critical of the Republican attempts by large purchases of silver to arrest the decline in price, which threatened to depreciate the silver-based circulation. The Democrats sought to win the labor vote by attacks upon Reid, and they profited greatly from the strike and disorder at the Carnegie steel mills at Homestead.

The election returns showed a landslide for Cleveland. His popular vote was 5,554,414. Harrison had 5,190,182, Weaver 1,027,329, and Bidwell (Prohibi-

<sup>9</sup>Curtis, *The Republican Party*, II, pp. 259-261. *New York Tribune*, June 20, 21, 22, 23, 27, 1892.

<sup>10</sup>September 28.

tion) 271,028. The Electoral College stood: Cleveland, 277; Harrison, 145; Weaver, 22. New York gave Cleveland 45,518 plurality. The vote was: Cleveland, 654,868; Harrison, 609,350; John Bidwell (Prohibition), 38,190; James B. Weaver (Populist), 16,429; Simon Wing (Socialist Labor), 17,656. The Democrats elected 20 of the 34 Congressmen and 74 of the 128 Assemblymen, thus retaining control of both houses of the Legislature. Three constitutional amendments were submitted. One, transferring jurisdiction over contested Legislature seats to the courts, was defeated by 5,352 majority. Another, providing for additional Justices of the Supreme Court, was defeated by 36,351 majority, and the third, permitting the sale of the Onondaga Salt Springs, was defeated by 677 majority. The only State officer elected was Chief-Judge of the Court of Appeals. Both major parties, through their State committees, nominated Judge Charles Andrews, who received 1,252,963 votes to 38,775 for Walter Farrington (Prohibition), 17,856 for Francis Gerau (Socialist Labor), and 17,405 for Lawrence J. McPartlan (Populist).

## CHAPTER XXXII

### MAYNARDISM REBUKED

1893

NOTWITHSTANDING Cleveland's handsome plurality in New York and his prospective four years of power, the Democratic organization controlled by Hill was as far as ever from working with him. No President-elect could have received less consideration from his own party in his own State. No sooner was it clear that the Democrats would control the Legislature than the election of Edward Murphy, Jr., to the United States Senate was determined upon. He was more especially Croker's choice, on grounds of personal friendship. Croker had no wish to antagonize the administration, but his selection was particularly offensive to the Cleveland men. Murphy had for years been chairman of the State committee and used all his power against Cleveland. Through his son-in-law, Hugh J. Grant, he had close ties with the Tammany organization. In an interview published by the *Times* and *World* on December 28, Cleveland came out squarely against Murphy, saying that the Democratic organization did not show a disposition to choose "a man of the kind that is needed." Whitney, Lamont (who was to be Secretary

of War in the new cabinet), and the "Anti-snappers" made a brave show of opposition but seemed unable to bring forward a candidate. The position of Hugh McLaughlin was in doubt, and optimistic Cleveland men predicted that he would lead a fight either for David A. Boody, whom he placed in the Brooklyn Mayor's chair when Chapin became unavailable, or Congressman William J. Coombs, who had made some reputation as a business man in politics and was an advocate of a lower tariff. But they misread the wily Brooklyn leader. He was jealous of Croker's power and disposed to harmony with the incoming President, but no man was less adventurous for an ideal. An anecdote, possibly apocryphal but true to the spirit of his leadership, relates that a young Assemblyman, after a ringing speech championing a popular measure of reform, returned to the Willoughby Street auction room where McLaughlin held his court, in expectation of compliments, only to be met with the withering greeting: "Trying to be a statesman, eh!"

For Speaker, Croker and Hill picked William Sulzer, a young Tammany Assemblyman, while the minority supported George R. Malby, who defeated Hamilton Fish, Jr., in the Republican caucus. In making up the committees, Sulzer reduced the usual representation of the minority to make more good places for Democrats and please McLaughlin, who secured the two best chairmanships and other committee places, which reconciled him to the Murphy program.<sup>1</sup> When the Democratic Electors met they

<sup>1</sup>New York *Tribune*, January 10, 1893.

put upon Cleveland the extraordinary affront of passing first a resolution indorsing Murphy, as if it were their principal business, and then voted for President.<sup>2</sup> This was a Hill scheme, which angered Croker, who declared that Hill had no business in Albany but should be in Washington. He declined to vote on the resolution, and from that time drew away more and more from fellowship with Hill. When the legislative caucus met on January 10 it was clear that the Cleveland forces had capitulated. Senator Parker of Albany, a Cleveland man, was made chairman. Jacob A. Cantor presented Murphy's name. Assemblyman Quigley of Kings said that his county had intended to present a candidate, but had changed its mind. Senator McClelland of Westchester presented the name of W. Bourke Cockran, who had voiced the Tammany protest against Cleveland's nomination, but who was now put forward as the forlorn hope of Clevelandism. But the only man who made any real fight on Murphy was Assemblyman Otto Kempner of New York, who said that when Cleveland had a few weeks before declared that Murphy ought not to be elected, he had been denounced for attempting to overthrow the organic law that placed in the Legislature the election of a Senator, but that law had been overthrown "when an irresponsible and unscrupulous regency weeks in advance of the meeting of the Legislature selected Mr. Murphy." The election of an avowed and bitter opponent of the President-elect, he declared, could only result in harm to the Democratic party. The majority

<sup>2</sup>New York *Times*, January 10, 1893.

was too well disciplined to be shaken by hard words, however, and Murphy was nominated by 85 votes to 5 for Cockran.<sup>3</sup>

When it came to the election, Kempner asked to be excused from voting and stated as his reason that Murphy's election had been decided upon by himself and three others in defiance of public sentiment, that he was not a statesman, was always opposed to the President-elect, and was unfit to represent the State. His explanation was shut off by the Speaker, and he then voted for Murphy, who received the full Democratic support of 90 votes. The Republicans cast their 61 votes for Hiscock, while Senator Edwards of Cattaraugus, the one Independent Republican in the Legislature, voted for Whitelaw Reid.<sup>4</sup>

General dissatisfaction with the scheme for a special election of Constitutional convention delegates in February and some doubt as to the constitutionality of the bill passed by the previous Legislature, caused the introduction of a new bill to elect delegates in November, 1893, and postpone the convention until May, 1894. One bill providing for representation for the minor parties was passed and withdrawn, and then a new plan was adopted for a convention of 175 members, 5 from each Senate district and 15 at-large, who would all represent the majority party.<sup>5</sup> The Republicans denounced this measure on the ground that it would deprive counties in rural Senate districts made up of

<sup>3</sup>New York Tribune, January 11, 1893.

<sup>4</sup>New York Tribune, January 18, 1893.

<sup>5</sup>Lincoln, *Messages from the Governors*, IX, p. 194.

more than five counties of any representation whatever. Hill also advised his party associates against it, for he foresaw the coming storm, which their excesses and the Maynard issue had caused, and wished a large minority representation, feeling that it might be his own.<sup>6</sup> But his friends in the Legislature were too eager. The Senate district apportionment was favorable to them. The State had acquired the habit of going Democratic, and the chance to get all the delegates-at-large was too good to be missed. But as Hill feared, they overreached themselves. In the convention the Republicans had 106 members and the Democrats only 69.

When the Democratic State convention met at Saratoga on October 5, the "Anti-snappers" appeared with a large number of contests, but Hill and Croker had the situation completely in hand and either turned down the opposition or took it into camp. Cord Meyer, Jr., had come to the convention in outspoken opposition to the nomination of Maynard, on which the leaders were determined. But he was placated with the nomination for Secretary of State. Smith M. Weed and General Charles Tracey of Albany, both Cleveland men, yielded silently to the inevitable. With Daniel N. Lockwood, a Cleveland man, in the chair, the program was put through. William Vanamee, a respected lawyer of Newburgh and a member of the New York Bar Association, which had condemned Maynard, was put forward as his apologist, and accepted the task out of personal friendship. James W. Ridgway of Kings seconded the nomination. The one courageous voice

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<sup>6</sup>Conversation of Governor Hill with the writer in 1906.

raised against Maynard was that of Robert Weiderman, a delegate from Rockland, who protested against the nomination, declaring: "His act was a crime, and if it was to be rewarded it has been rewarded enough." Only the most strenuous exertions of the chair enabled him to finish, and in reply Thomas F. Grady summed up the attitude of the leaders in the phrase: "He stood by us and it is for us to stand by him."<sup>7</sup> With the single exception of Weiderman, every vote in the convention was cast for Maynard.<sup>8</sup>

The platform took credit for the lowest general tax rate in a generation, for the increase of inheritance and corporation tax receipts, for the plan to protect the Adirondack and Catskill forests, for the establishment of the State Department of Agriculture, and for the abolition of the sweat shop system in the garment trades. It commended the Cleveland and Flower administrations, and recommended tariff reform and repeal of the Sherman law.

The Republicans met at Syracuse on October 6, determined to make Maynard the issue. The platform denounced his conduct and pledged the party to non-partisan canvassing boards, to reforms in the election laws, and constitutional provisions for home rule in cities. Platt fixed upon Edward T. Bartlett, a New York lawyer who had been president of the Republican

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<sup>7</sup>New York *Tribune*, October 6 and 7, 1893.

<sup>8</sup>The ticket was: Secretary of State, Cord Meyer, Jr., Queens; Comptroller, Frank Campbell, Steuben; Treasurer, Hugh Duffy, Cortland; Attorney-General, Simon W. Rosendale, Albany; State Engineer, Martin Schenck, Rensselaer; Judge of the Court of Appeals, Isaac H. Maynard, Delaware.

Club, for the Court of Appeals, and had nearly four-fifths of the convention at his back, although Justice William Rumsey of Bath had 98 votes in the convention and John Sabine Smith of New York  $22\frac{1}{2}$ .<sup>9</sup> John Woodward of Chautauqua sought the Attorney-Generalship and had the largest vote on the first ballot over Theodore E. Hancock of Syracuse and Gilbert S. Hasbrouck of Kingston, but on the second ballot Hasbrouck threw his strength to Hancock, who was nominated.<sup>10</sup>

Maynard was the one issue of the campaign, and the condemnation of the Bar Association committee, which had been signed by Frederic R. Coudert, James C. Carter, John E. Parsons, Clifford A. Hand, E. Randolph Robinson, John L. Cadwallader, William B. Hornblower, Elihu Root, and Albert Stickney, a majority of them among the most eminent Democratic lawyers in New York, was a campaign document difficult to meet.<sup>11</sup> Flower attempted a defense of his original appointment in a statement<sup>12</sup> that, by confusing dates, sought to convey the impression that Court of Appeals Judges had asked for Maynard's appointment with full knowledge of his acts, though his theft of the returns was not publicly known till afterward. Hill's

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<sup>9</sup>New York *Tribune*, October 7, 1893.

<sup>10</sup>The ticket was: Secretary of State, John Palmer, Albany; Comptroller, James A. Roberts, Erie; Treasurer, Addison B. Colvin, Warren; Attorney-General, Theodore E. Hancock, Onondaga; State Engineer, Campbell W. Adams, Oneida; Judge of the Court of Appeals, Edward T. Bartlett, New York.

<sup>11</sup>The full text of this report was reprinted in the New York *Tribune*, October 7, 1893.

<sup>12</sup>New York *Sun*, October 15, 1893.

tactics in a speech in Brooklyn on October 23 were to denounce the Bar Association as a degenerate body, which voiced the opinion of mugwumps and briefless lawyers.

But it was all in vain. The voters had made up their minds about the theft and in the election Maynard was overwhelmed by a plurality of 101,064. The vote was: Maynard, 478,158; Bartlett, 579,222; Silas W. Mason (Prohibition), 32,548; Lawrence J. McPartlan (People's), 16,791; Francis Gerau (Socialist Labor), 19,659. All the rest of the Republican State ticket was elected by pluralities ranging from 21,000 to 25,000. The Republicans also carried both houses of the Legislature. The Senate stood: Republicans, 19; Democrats, 12; Independent Democrat, 1; and the Assembly: Republicans, 74; Democrats, 54. Hugh McLaughlin was overwhelmed in the Brooklyn municipal election. Mayor David A. Boody, who was seeking a reëlection, was beaten by Charles A. Schieren, fusion candidate of Republicans and Independent-Democrats, who received a plurality of 31,759. At the same time William J. Gaynor was elected Justice of the Supreme Court in the Brooklyn district on a Republican and Independent ticket. Of the delegates to the Constitutional convention the Republicans elected the 15 delegates-at-large and 91 district delegates. The Democrats elected 69 district delegates.

Out of Gaynor's candidacy came the culmination of the lawless spirit that seemed to be driving the Democratic organization to its ruin. For a week before the election, Gaynor endeavored to get copies of the

registry list of the town of Gravesend, which was completely under the domination of John Y. McKane, who had returned to his Democratic allegiance. McKane was known to be bitter in his opposition to Gaynor, and the large registration in Gravesend excited suspicion. After being prevented on one pretext and another from copying the lists, Gaynor obtained an order commanding the registry officials to allow the lists to be copied. On Saturday night before election, a body of Gaynor's friends went to Gravesend to serve the order. On their arrival they were met by McKane and his agents, who arrested them and took them before Police Justice Sutherland, who ordered fourteen of them locked up on the charge of disorderly conduct, and they were kept in the Kings county jail over Sunday without being allowed to get bail. On Monday Justice Cullen set them all free. On the same day Justice Joseph F. Barnard granted an injunction restraining interference with Gaynor's watchers in Gravesend. When the watchers appeared with their injunction McKane declared: "Injunctions don't go here," and locked up the watchers. This outrage aroused the whole State, regardless of party, to demand the punishment of McKane.<sup>13</sup> James W. Ridgway, the District Attorney of Kings county, had so plainly shown his sympathy with McKane when he appeared before Justice Cullen in the matter of the Sunday arrests, that Governor Flower felt compelled to designate George G. Reynolds and Edward M. Shepard as Deputy Attorneys-Gen-

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<sup>13</sup>New York Tribune, November 2 to 8, 1893.

eral to conduct the prosecution.<sup>14</sup> McKane, Sutherland, and others were indicted and convicted, and McKane was sent to State prison for six years.<sup>15</sup>

A dramatic supplement to the Gravesend election occurred in the next Legislature, when Lieutenant-Governor Sheehan attempted to prevent the unseating of John McCarthy, who had been, as the committee reported, a beneficiary of McKane frauds. After debate on the committee report giving the seat to Henry Wolfert had gone on for six hours, a vote was called for under the cloture rule allowing such call after six hours' debate on a question, including amendments. Sheehan ruled that the minority substitute had not been debated six hours, thus opening the door for unlimited debate by the offer of new amendments and construing the cloture rule into nullity. He refused to put an appeal from his decision or to order a roll-call, but on demand of Charles T. Saxton, the President *pro tem.*, John S. Kenyon, the Clerk, did call the roll and the vote was taken unseating McCarthy. Then Isaac H. Maynard obtained from County Judge Clute an injunction restraining the Clerk from calling the roll, except under the direction of the presiding officer. When the Senate reconvened Sheehan attempted to prevent the approval of the journal recording the unseating of McCarthy, but Saxton, asserting his right as a Senator to prevent the usurpation of the Senate's power by the Lieutenant-Governor, himself called the roll. Sheehan and Clute both retired from their untenable position. A Senate

<sup>14</sup>New York Tribune, November 18, 1893.

<sup>15</sup>Appleton's Annual Cyclopedias, 1894.



WHEELER HAZARD PECKHAM

Wheeler Hazard Peckham, lawyer; brother of Rufus William Peckham; born in Albany, N. Y., January 1, 1833; graduated from Union college; admitted to the bar and practiced law with his father in New York City, later in St. Paul and in 1864 again in New York. His growing fame as a constitutional lawyer and his argument on the constitutionality of taxing greenbacks won for him the friendship of his opponent in the case, Charles O'Conor who as deputy attorney general during the exposure of the Tweed ring made Peckham his assistant; district attorney, New York county, 1884; nominated by President Cleveland in 1894 for judge of the United States supreme court but his nomination was not confirmed by the senate because of the objections of the New York senators to his independent political tendencies; died in New York City, September 27, 1905.





ROSWELL PETTIBONE FLOWER

Roswell Pettibone Flower, 33d governor (1892-1895); born at Theresa, Jefferson county, N. Y., August 7, 1835; graduated from Theresa high school, 1851; engaged in mercantile and manufacturing pursuits; assistant postmaster of Watertown, N. Y., 1854-1860; moved to New York City and entered the banking business in 1869; elected as a democrat to the forty-seventh congress to fill the vacancy caused by the resignation of Levi P. Morton and served from March 5, 1881 to March 3, 1883; reelected to the fifty-first and fifty-second congresses and served from March 4, 1889 to September 16, 1891 when he resigned; elected governor of New York in 1891 and served until 1895; died in Eastport, N. Y., May 12, 1899.



committee subsequently investigated Clute's action<sup>16</sup> and recommended legislation to punish such interference with the prerogative of the Legislature. But it was clear that the steadfast assertion of that prerogative met all requirements.

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<sup>16</sup>*Appleton's Annual Cyclopedias*, 1894; *New York Tribune*, February 3-6, 1894.

## CHAPTER XXXIII

### HILL SENT TO DEFEAT

1894

PARTISAN differences between the Governor and the Legislature and the impending revision of the Constitution made the session of 1894 almost barren so far as political measures went, although a large volume of other legislation was passed. The spirited rivalry for the Speakership between Danforth E. Ainsworth, Hamilton Fish, Jr., and George R. Malby was settled by the withdrawal of both Malby's rivals before the Legislature met. The system of bipartisan election officials was extended to the whole State at this session and an act was passed submitting to the people of the municipalities contiguous to New York harbor the question of consolidating into the Greater New York. Charges of police corruption in New York City led to the appointment of a Senate investigating committee under the chairmanship of Clarence Lexow. This grew out of the work of the Rev. Dr. Charles H. Parkhurst. Dr. Parkhurst, as president of the Society for the Prevention of Crime, had complained to the municipal authorities of the prevalence of gambling and houses of prostitution. Instead of responding to his suggestions, the officials

asked for proofs on which to act. The clergyman, undeterred by the reproaches and misrepresentations that were sure to follow such activities on his part, personally investigated these illegal resorts and produced a mass of evidence that clearly indicated police partnership in crime. Taking up the case, the Lexow committee through the skillful examinations of John W. Goff, its counsel, showed clearly an organized system of police extortion and partnership with the most degraded lawbreakers, and paved the way for the defeat of Tammany Hall in the fall campaign.<sup>1</sup> Tammany forced its nomination for Mayor on Hugh J. Grant after Nathan Straus had declined, and the Republicans joined with the Citizens' Union in support of William L. Strong. Strong was elected by 45,187 plurality, and John W. Goff had 54,748 plurality for Recorder over Frederick Smyth, the greatly respected criminal Judge, who fell a victim to his association with Tammany and the popular enthusiasm over Goff's work in the Lexow committee.

The Constitutional convention, which met on May 8 and closed its session on September 29, was presided over by Joseph H. Choate. Thomas G. Alvord was vice-president and Charles E. Fitch secretary. Among the leading Republicans were Elihu Root, Tracy C. Becker, Merton E. Lewis, Nathaniel Foote, Edward Lauterbach, Augustus Frank, Frederick W. Holls, Elon R. Brown, and Charles Z. Lincoln. Among the Democrats were Almet F. Jenks, W. B. Davenport, William C. Whitney, John M. Bowers, Delos

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<sup>1</sup>*Appleton's Annual Cyclopedias, 1894.*

McCurdy, William Church Osborn, William D. Veeder, DeLancey Nicoll, John Bigelow, and Andrew H. Green. The Constitution proposed by the convention was that under which, with slight amendment, the State government still operates. It reduced the Governor's term from three to two years, and fixed his election, together with that of all the other elective State officers, in the even years, so as to separate State from municipal elections, which were fixed for the odd years, and to allow city officers to be chosen without regard to considerations of State and national politics. Cities were divided into classes and legislative interference with city affairs was restricted by requiring the submission of any measure affecting less than all the cities of a class to the particular cities affected for their approval. If disapproved, the measure could only become a law if passed a second time by the Legislature. The Senate was increased from 32 to 50 and the Assembly from 128 to 150 members, and provision was made against hasty legislation by the rule that all bills must be upon the desks of the members in final printed form three days before final passage, except in emergencies certified by the Governor.

The judiciary of the State was reorganized by the consolidation of inferior courts in New York, Brooklyn, and Buffalo with the Supreme Court, the abolition of the general terms, and the creation of four Appellate divisions of the Supreme Court. The Forest Preserve was recognized in the Constitution and safeguarded from invasion, even to the extent of forbidding any cutting whatever. This interfered with scientific

forestry, but scandals in the selling of lumber from State lands convinced the convention that the time was not ripe for the safe exploitation of the forests and that the wisest course was to keep them intact, at least until a proper system could be worked out and the Constitution amended to put it in force. The merit system was also embodied in the new Constitution by most sweeping provisions for competitive appointments to the civil service. The recurrence of such disagreements as had taken place between Governor Hill and the Republican Legislature over calling a Constitutional convention was guarded against by the insertion of a self-executing provision with regard to future conventions. Exact requirements were also prescribed with regard to apportionment, so that the task became theoretically mainly a problem in mathematics. Practically, however, the work of making an apportionment that would stand the test of the courts became very difficult. The fear that a consolidated population representing one local interest might by force of mere numbers dominate the whole State to the sacrifice of the rights of diverse communities led, however, to the provision forbidding any two contiguous counties ever having more than half the Senate. The increase in the membership of the Legislature required a new apportionment, which the convention itself made.<sup>2</sup> The Constitution was submitted in three parts. The people approved the general revision in November, 1894, by a vote of 410,697 to 327,402. The Apportionment article,

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<sup>2</sup>*Revised Record of the Constitutional Convention of 1894; Lincoln, Constitutional History of New York, Vol. III.*

separately submitted, was carried by 404,335 to 350,625, and the article allowing the improvement of the canals was approved by 442,998 to 327,645.

Despite the tidal wave against Maynard, which gave the Republicans phenomenal majorities in almost every part of the State in 1893, many election districts in New York City cast no Republican votes. It was clear that the local organization was in many respects inefficient, and demands for complete reorganization were too strong to be neglected. The county committee itself decreed its own death and suggested that a Committee of Thirty should undertake to form a new organization. This the committee attempted to do on a plan of election district organizations based primarily on the old enrollment. On the plea that it was proposed to introduce what was not new machinery to administer the old organization, but new blood in the party and a new enrollment of elements that the old district leaders had ignored, John E. Milholland started what was known as the Anti-machine organization. Milholland was a member of the *Tribune* staff and had the support of Whitelaw Reid. He was also in close relations with Platt and the movement was represented by its critics as one to put the New York organization in Platt's control. On February 7 the *Tribune* published a long interview with Platt favoring the Anti-machine movement and ridiculing the pretensions of the Committee of Thirty to act on the authority of the old organization, which had no claim to respect. He said: "The county committee has recognized the fact by gracefully furnishing its political coffin and cheerfully going off to the

funeral prepared for it by the thirty undertakers." He contrasted its plan, based on the authority of the old committee, with the Milholland plan based on the authority of public sentiment.

The two organizations kept up a voluble controversy through the summer. On July 16 Mayor Gilroy appointed Michael Kerwin, chairman of the Milholland executive committee, Police Commissioner. Up to that time it was clear that Platt still favored this organization and it was expected that when the State committee met on July 25 he would recognize it. But a change came over his purpose. The Anti-machine organization had a considerable enrollment, especially in the downtown districts where Tammany had before had everything its own way. But the great body of leading Republicans not active in the machinery of politics, such as the contributors to campaign funds and the men connected with the Union League Club, were in sympathy with Colonel George Bliss, Cornelius N. Bliss, and William Brookfield, who directed the Committee of Thirty.

Platt could clearly foresee that the recognition of Milholland would be regarded as an attempt to build up a personal machine and would alienate this influential body. He had antagonized them before and, much as he wanted to carry the State, he might perhaps have done so again had he been sure that the Milholland organization when recognized would be his. Apparently he came to believe that it might be instead a Reid organization. In his "Autobiography" Platt attributes his decision to recognition of the superior claims of the

Committee of Thirty, and says that this stand for convictions forced him to a break with Reid.<sup>3</sup> In another chapter he gives a more cynical suggestion of his attitude: "Cornelius N. Bliss once inaugurated a campaign against regulars, too. He began it in New York county. After he had it, as he thought, pretty well established, it was captured, body, boots and breeches, by the regular organization. Later, Bliss became a good regular." According to Bliss, however, Platt continued to favor Milholland and "was only prevented from breaking up the party in this [New York] county by the shrewder members of the State committee."<sup>4</sup> The State committee referred the rivalry to a sub-committee headed by James W. Wadsworth.<sup>5</sup> The Anti-machine organization proclaimed this a victory and predicted its own recognition, apparently with full confidence in Platt's friendship. But when the sub-committee reported to the State committee on August 9, it favored the recognition of the Committee of Thirty and the incorporation of the Milholland enrollment into its organization.<sup>6</sup> This report was adopted. At the same time the State committee took measures to consolidate the two factions in Syracuse. James J. Belden led the regulars and Francis Hendricks the rival organization, which had bolted the regular nomination for Mayor the year before and elected its own candidate.

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<sup>3</sup>Platt, *Autobiography*, pp. 256, 257.

<sup>4</sup>Platt, *Autobiography*, p. 519; Statement by Bliss, *New York Tribune*, January 28, 1896.

<sup>5</sup>*New York Tribune*, July 26, 1894.

<sup>6</sup>*New York Tribune*, August 10, 1894.

The Milholland forces appealed in vain to the State convention for recognition.

Early in the summer Platt picked Levi P. Morton as his candidate for Governor, and long before the State convention met at Saratoga on September 18 it was clear that he would dominate the situation. Nevertheless, he faced much opposition. Fassett demanded a chance to run now that there was a prospect of success, and, when his plea was rejected by Platt, made a fight of his own. The Union League Republicans, though Platt had recognized them, were not friendly to him and put forward Cornelius N. Bliss. General Daniel Butterfield had a nucleus of support in New York. General Stewart L. Woodford appeared as an anti-Platt man, with one-third of the Kings county delegation, and Leslie W. Russell had the votes of St. Lawrence and Franklin. Lemuel E. Quigg, who had won a Democratic Congressional district in New York City at a special election after a spectacular fight, was temporary chairman and Warner Miller permanent chairman. Morton was nominated on the first ballot, receiving  $532\frac{1}{2}$  votes. Fassett had 69 votes, Woodford 40, Russell 20, Bliss  $40\frac{1}{2}$ , Butterfield 29, James Arkell 1. Eight candidates were considered for Lieutenant-Governor. They were James W. Wadsworth, Charles T. Saxton, Francis Hendricks, Arthur C. Wade, A. D. Shaw, George W. Aldridge, A. C. Brundage, and Henry J. Coggeshall. Wadsworth, who had not been a Platt man, was generally regarded as Platt's favorite, but like Morton he was wealthy and many delegates expressed the fear that labor would antagonize him.

onize such a ticket. Saxton, moreover, as President *pro tem.* of the Senate and the champion of ballot reform, had made a name to conjure with, and the nomination went to him before the ballot was finished. A keen contest for Judge of the Court of Appeals was carried on among Albert Haight of Buffalo, S. Alonzo Kellogg, Irving G. Vann, Pardon C. Williams, and Jesse Johnson, and resulted in the nomination of Haight.<sup>7</sup>

The platform was a general indictment of the Democracy for hypocrisy—in the nation, for denouncing the Sherman Silver Purchase act and only repealing it with the aid of Republican votes, for arraigning protection and passing a protective tariff bill that barely escaped the President's veto, for pledging retrenchment and expanding the appropriations, for pretending to favor individual freedom and passing an inquisitorial income tax bill; in the State, for failure to make promised economies, to abolish useless commissions, to safeguard elections, or to establish home rule.

Hill kept his antagonism for Cleveland under some restraint after the nominations of 1892, although friends of the administration met with little or no coöperation from the New York Senator in carrying out the President's legislative program. He was firm in his support of sound money, but opposed to the income tax. He was far from holding the uncompromising tariff views of the Cleveland and William L. Wilson school, and was much more in sympathy with Senator Gorman, who made the Democratic tariff one that Cleveland

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<sup>7</sup>New York Tribune, September 19, 1894.

characterized as a measure of "perfidy and dishonor" and allowed to become a law without his signature.

The death of Justice Samuel Blatchford of the United States Supreme Court, on July 7, 1893, led to an open clash. For the vacancy the President selected William B. Hornblower. No nomination could have been much more offensive to Hill. Hornblower was a member of the committee of the Bar Association that condemned Maynard. His selection was everywhere regarded as the President's pointed rebuke of Maynardism and of the party policy that insisted on defending Maynard. Hill, as a member of the judiciary committee, succeeded in staving off confirmation at the extra session, and the nomination lapsed in November. When the Senate reassembled in December it was renewed and Hill, with the aid of Senators Pugh, George, and Coke of his own party, and the Republican Senators Wilson and Mitchell, obtained an adverse report despite the efforts of Senator Vilas, the administration champion, and the Republican Senators Hoar and Orville H. Platt, in behalf of Hornblower. On January 15 the nomination was rejected by a vote of 30 to 24.<sup>8</sup> A week later Cleveland showed even more plainly his determination to snub Hill by sending in the name of Wheeler H. Peckham.

If there was any doubt about the President's intention in nominating Hornblower, who might have been selected without special thought to his relation with Hill, there could be none about the nomination of Peckham, who had been president of the Bar Associa-

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<sup>8</sup>New York Tribune, January 9, 10, 16, 1894.

tion and had appointed the Maynard investigating committee. Hill appealed with more force than before "to the courtesy of the Senate," and he found sympathy among some Democratic colleagues who were glad of an occasion to snub the President for forcing the repeal of the Silver Purchase act down their throats, and among others who, while they had no quarrel with Cleveland, disapproved of a policy of personal antagonism to any Senator. Republicans who quarrelled with Peckham's tariff views also aided Hill. They did not question Peckham's ability or character, but he had gone on record as giving his opinion as a lawyer that a protective tariff was unconstitutional, in the face of a century of practical construction of the Constitution in favor of duties levied for protection. Republican Senators argued that this showed a legal narrowness and lack of judicial poise. When the vote was taken on February 16 Peckham was rejected by a vote of 41 to 32.<sup>9</sup> There was some talk that the President might nominate Justice Edgar M. Cullen, whom he later asked to become Attorney-General when Olney took the State department on Judge Gresham's death. But Cullen, too, in the Emans case had shown his disapproval of the Senate theft. Judge E. H. Lacombe was also suggested, but the President was evidently unwilling to make any concession to Hill by naming a New Yorker agreeable to him. He turned away from the State, and on February 19 nominated Senator Edward D. White of Louisiana, who was promptly confirmed. New York had no representative in the

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<sup>9</sup>New York Tribune, February 17, 1894.

Supreme Court until December, 1895, when on the death of Justice Jackson the President appointed Rufus W. Peckham of the New York Court of Appeals, who had taken no part in the faction fights and whose confirmation Hill did not oppose.

Thus divided, the Democrats looked with no bright hopes toward the campaign for Governor. Lamont, the Secretary of War, put aside suggestions that he might run. William J. Gaynor, whose reputation for work against the Brooklyn ring and McKane and whose election to the bench on the Republican ticket suggested his availability as a regular Democrat, declined.<sup>10</sup> William C. Whitney was in Europe, and in his absence the consensus of opinion of both Hill and Cleveland men centered on him as the party's hope. But he returned just as the State convention was meeting and emphatically refused to be a candidate.<sup>11</sup> The convention met at Saratoga on September 25 with David B. Hill in the chair. Hill, more astute than most of his associates, had read the lesson of Maynard's defeat and wanted to conciliate the reformers by admitting the anti-ring Kings county organization led by Edward M. Shepard, and the State Democracy of New York City, which under Charles S. Fairchild represented the "Anti-snappers" and was in a measure the heir of the old County Democracy.<sup>12</sup> But Croker and McLaughlin were implacable and shut them out. The platform commended the repeal of the Sherman law

<sup>10</sup>New York Tribune, September 25, 1894.

<sup>11</sup>New York Tribune, September 27, 1894.

<sup>12</sup>See Hill's speech of acceptance, Brooklyn Eagle, October 7, 1894; also Eagle, October 8, 1894.

and the Democratic tariff legislation, and arraigned the Republicans for attacks on the government of Democratic cities while professing devotion to home rule.

Nominations for Governor were in order. The name of John Boyd Thacher of Albany was proposed. He was a man of respectable abilities, long active in the organization and a contributor to its funds. But he had absolutely no hold either upon the party or the people. No sooner had his name been presented than a shout went up for the nomination of Hill, and the stampede began. Hill tried to stem it and declined the nomination. He maintained his self-possession and refused to allow the mob nomination. But when the convention proceeded regularly to carry out its wish, he yielded. He felt that he was being sacrificed, but he could not refuse to stand in the breach which he had himself made by his party management. In his speech of acceptance on October 6, he expressed exceeding regret over the nomination and more especially regretted that his "advice was not adopted in regard to representation in the convention itself." He said that he had sought for a week, as his intimate political friends knew, "not only to heal and harmonize political and factional differences, but to secure some other candidate wholly acceptable to every one" to take his place. But this had not proved feasible. So, he added: "Recollecting that the Democratic party has honored me in the past when I solicited its favors, in the days of its sunshine and prosperity, I cannot desert it now in the hour of its danger and this great emergency." He proposed to

make his campaign on the issues "of democracy versus plutocracy," personal liberty, liberal excise laws, and opposition to "the centralization of all powers in the general government," although the centralization of the moment was that of his own party.<sup>13</sup>

The convention nominated Daniel N. Lockwood for Lieutenant-Governor and William J. Gaynor for Judge of the Court of Appeals.<sup>14</sup> For ten days the leaders in private urged Gaynor to run, but he was obdurate. They prayed him to go to the head of the ticket in place of Hill, who was ready to retire, but in this also they were unsuccessful. Gaynor published a letter declining and asserting his deep devotion to Hill.<sup>15</sup> Justice Charles F. Brown of Newburgh was substituted by the State committee.

The Shepard and Fairchild Democrats, who had been shut out of the convention, on October 9 in the New York law office of Shepard nominated Everett P. Wheeler of New York for Governor, to make a rallying point for Democrats who did not wish to support Hill but indorsed Lockwood and Brown.<sup>16</sup> Franklin D. Locke and Henry A. Richmond in Buffalo and Seymour Van Santvoord in Albany were active in carrying on this movement outside of the metropolitan district.

The Democrats made their campaign largely on the issues of Platt as the Republican boss and the duty of supporting Cleveland's policy on the tariff and money

<sup>13</sup>Speech published in full, *New York Tribune*, October 7, 1894.

<sup>14</sup>*New York Tribune*, September 27, 1894.

<sup>15</sup>*Brooklyn Eagle*, October 6, 1894.

<sup>16</sup>*Brooklyn Eagle*, October 10, 1894.

questions. Whitney gave his aid in a long letter urging support of Hill.<sup>17</sup> But the Democrats could not overcome the handicap of the Maynard controversy and the accumulated burden of Hill's unpopularity, which for the first time had a chance for unhampered expression. The fusion campaign against Tammany and police corruption in New York City likewise aided the Republican ticket. Morton was elected by 156,108 plurality. The vote was: Morton, 673,818; Hill, 517,710; Francis E. Baldwin (Prohibition) 23,525; Charles B. Matthews (People's), 11,049; Everett P. Wheeler (State Democracy), 27,202; Charles H. Matchett (Labor), 15,868. Saxton's plurality over Lockwood was 127,483, and Haight's over Brown 123,924. The Republicans elected 29 of the 34 Representatives in Congress and carried the Assembly overwhelmingly, electing 105 out of 128 members. In addition to the general constitutional revision, which was submitted and adopted, two constitutional amendments for additional Justices of the Supreme Court and a Judge of the County Court in Kings county were adopted. The proposal to create the Greater New York was voted on favorably by the people in all the larger constituencies concerned, and the city of New York voted to loan its credit for the construction of the underground rapid transit system.

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<sup>17</sup>New York *Times*, October 9, 1894.



LEVI PARSONS MORTON

Levi Parsons Morton, 34th governor (1895-1897); born at Shoreham, Vt., May 16, 1824; attended the public schools and Shoreham academy; clerk in a general store in Enfield, Mass., 1838-1840; taught school in Boscawen, N. H., 1840-1841; commenced mercantile business in Hanover, N. H., 1845; moved to Boston in 1850 and entered the dry goods business in New York City in 1851; engaged in the banking business in New York City in 1863; appointed by President Hayes an honorary commissioner to the Paris exposition in 1878; elected as a republican to the 46th congress and served from March 4, 1879 to March 3, 1883; was vice-president of the United States, March 4, 1889 to March 3, 1893; governor of New York, 1895-1897; died, New York City, May 16, 1920.





CHARLES ZEBINA LINCOLN

Charles Zebina Lincoln, lawyer; born, Grafton, Vt., August 5, 1848; educated at Chamberlin institute, Randolph, N. Y.; taught district school; admitted to the bar, 1874; practiced at Little Valley and was president, trustee, village attorney and for 7 years member of the board of education; supervisor, Cattaraugus county, 1886-1889; delegate to constitutional convention, 1895; chairman of statutory revision commission and legal advisor to Governors Morton, Black and Roosevelt; in 1905 appointed by Governor Higgins as editor of Governors' Messages under an act passed that year which provided for an annotated edition of the messages from the organization of the colonial assembly in 1683 to 1906; author of Lincoln's constitutional history of the state of New York.



## CHAPTER XXXIV

### MORTON AS A FAVORITE SON

1895-1896

THE Republican victory placed Platt in practically complete control of the State government. Edmund O'Connor succeeded Saxton as President *pro tem.* of the Senate, and the Speakership went to Hamilton Fish, Jr., whom Platt in 1890 had caused the State committee to read out of the party together with Frederick S. Gibbs, on the charge of partnership with Tammany in legislative matters.<sup>1</sup> Morton took office with a deep sense of his responsibilities and a recognition that his victory came from a popular revolt that transcended party lines. Temperament and habit, however, kept him in harmony with Platt, and early in his term the organization adroitly suggested that he might be its choice for President and used this bait whenever he showed a disposition to break away from its policy.

The new Constitution required a great deal of legislation for reorganizing departments and making effective its provisions, and in all this the Governor coöperated effectively and intelligently. The long-debated Blanket Ballot law was passed, and the paster

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<sup>1</sup>New York Tribune, May 28, 1890.

ballot, in which eminent constitutional lawyers had been seeing the palladium of liberty, disappeared without the destruction of the franchise. Power was reluctantly given to Mayor Strong to remove heads of departments in New York City, and the Rapid Transit commission was instructed to proceed with plans for tunnel work. A commission was created to prepare general laws for third-class cities and a referendum was ordered on the proposal to spend \$9,000,000 for canal improvements.<sup>2</sup>

The attempt of the reform administration in New York City to enforce the Sunday Excise laws projected the Sunday-closing question into the political campaign. Theodore Roosevelt, president of the New York Police board, with the support of Mayor Strong rigidly enforced the closing law, which had been passed by the Democrats but never observed by the city administration. Roosevelt believed, as indeed the investigations of the Lexow committee showed, that the privilege of violating the law was sold by the police and that the only way to break up organized corruption was to compel the police to enforce strictly the law as it existed. This policy was much disliked, especially by the Germans, but it was defended not as a measure of puritanism but as a necessary enforcement of law, which should lead to local option or such other legal relief as might suit the community. In Brooklyn, Mayor Schieren, who was not confronted by the same problem of police corruption, treated Sunday liquor

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<sup>2</sup>Morton's first message and notes; Lincoln's *Messages from the Governors*, IX, p. 536 *et seq.*

selling as something that could not be stopped and only attempted to prevent openly offensive violations of the law.

The question was a dangerous one, especially for the Republicans, who had the rural vote to consider. Platt decided to ignore it, and in this course was supported by Hiscock.<sup>3</sup> When the State convention, of which James S. Sherman was temporary and Clarence Lexow permanent chairman, met at Saratoga on September 17, the committee on resolutions, through its chairman, Hamilton Fish, Jr., reported a platform that denounced the Wilson Tariff law and "its income tax attachment—happily declared unconstitutional by the Supreme Court of the United States," complained of the mismanagement of the Democrats, which had added more than \$165,000,000 to the national debt, dwelt on the good features of the new Constitution, and pointed with pride to the economies of the State administration while explaining that the increased tax rate was due solely to the State assumption of the care of the insane in New York and Kings counties. But it had not a word to say on the Sunday question. In the committee Warner Miller had sought the adoption of a temperance plank and John E. Milholland had proposed a declaration in support of Roosevelt's policy, and also one favoring the enlargement and popularization of the State committee. They were both voted down. Milholland offered the minority report on the floor of the convention, which was rejected, and then Warner Miller, after attempts had been made to ignore him, forced recognition from

<sup>3</sup>New York Tribune, September 17, 1895.

the chair and in spite of Fish's objections offered an amendment to the platform: "We favor the maintenance of the Sundays laws in the interests of labor and morality." He finally said that he had been told that his indiscreet declarations on the temperance question lost him the Governorship in 1888, but he had no regrets. His amendment was supported by Senator O'Connor. The demand for courage in dealing with the only live issue before the State convention forced Platt's hand. He could not afford openly to run away from the subject when it was once precipitated upon the convention, and under his instructions Fish accepted the amendment.<sup>4</sup> So far as New York City went, Roosevelt met the issue in a speech declaring that Hill's outcry against excise enforcement meant "personal liberty to commit crime" and was an incitement to anarchy.<sup>5</sup>

The old ticket was nominated without opposition, the only contest being over Associate-Judge of the Court of Appeals. Pardon C. Williams of Watertown, Jesse Johnson of Brooklyn, Henry A. Childs of Medina, William H. Adams of Canandaigua, and Celora E. Martin of Binghamton were aspirants. As the retiring Judge Finch came from the Southern Tier, Martin's claims were geographically strong, and had, moreover, the favor of Platt. The Adams vote went to him on the second ballot, and he was nominated.<sup>6</sup>

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<sup>4</sup>New York *Tribune*, September 18, 1895.

<sup>5</sup>New York *Tribune*, September 25, 1895.

<sup>6</sup>The ticket was: Secretary of State, John Palmer, Albany; Comptroller, James A. Roberts, Erie; Treasurer, Addison B. Colvin, Warren; Attorney-

Hill went to the Democratic State convention at Syracuse on September 24 once more an active advocate of concessions to his old opponents, but he found Tammany and Senator Murphy, who had come to be much closer than himself to the Wigwam, in opposition.<sup>7</sup> The McLaughlin and Shepard organizations made a compromise by which the latter received one-third representation, with a stipulation that if they were not able to agree on local candidates the McLaughlin people were to be recognized as regulars with the right to use the party emblem and control the election officials. Hill sought to secure the same terms for the Fairchild organization, but the most that Tammany would give it was a one-fifth representation coupled with recognition of Tammany's regularity for the future. This the Fairchild people would not accept, and they left the convention.<sup>8</sup> Perry Belmont was temporary and Roswell P. Flower permanent chairman. The nominations were made without provoking any serious contest.<sup>9</sup> The platform commended the national administration and the Wilson Tariff law. It denounced the Republicans for increasing the State tax rate, ignoring the reason for it in the carrying out of the policy of State care of the insane initiated by the Democrats. On the liquor question it squarely joined

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General, Theodore E. Hancock, Onondaga; State Engineer, Campbell W. Adams, Oneida; Judge of the Court of Appeals, Celora E. Martin, Broome.

<sup>7</sup>*New York Tribune*, September 24, 1895.

<sup>8</sup>*New York Times*, September 26, 1895.

<sup>9</sup>The ticket was: Secretary of State, Horatio C. King, Kings; Comptroller, John B. Judson, Fulton; Treasurer, DeWitt C. Dow, Schoharie; Attorney-General, Norton Chase, Albany; State Engineer, Russell B. Stuart, Onondaga; Judge of the Court of Appeals, John D. Teller, Cayuga.

issue with the Republicans, declaring that the people of different communities should by majority vote decide for themselves what Sunday regulations might best suit their special necessities and conditions.

The Republican organization was weak in New York City. Mayor Strong, a Republican, had been elected on a non-partisan platform, and, though Platt charged that he had a private understanding with him,<sup>10</sup> Strong refused to turn over the patronage to Platt and was subjected to obstruction and ridicule for the three years of his term. The continued newspaper attacks made upon Platt could not shake his hold upon the party machinery, but they did seriously discredit his organization in the public mind. Nevertheless, disorganization of the Democracy was so complete and the popular drift from the party that had been in power through the hard times following the panic of 1893 was so strong that the Republicans carried the State by 90,145 plurality. The vote was: Palmer, 601,205; King, 511,060; William W. Smith (Prohibition), 25,239; Thaddeus B. Wakeman (People's), 6,916; Erasmus Pellenz (Socialist Labor), 21,497. The rest of the Republican ticket was successful by pluralities ranging from 86,000 to 94,000. The Republicans carried both houses of the Legislature, which stood: Senate—Republicans, 35; Democrats, 14; Independent Republican, 1; Assembly—Republicans, 103; Democrats, 47. The people by a plurality of 276,886, which came chiefly from New York, Brooklyn, and Buffalo, voted in favor of the \$9,000,000 canal improvement.

<sup>10</sup>Platt, *Autobiography*, pp. 273 *et seq.* and 286 *et seq.*

The truce between the Shepard and McLaughlin Democracy in Kings county was short-lived. Gaynor, whom McLaughlin wanted to run for Mayor, declined, but suggested his former law partner, Edward M. Grout, who was nominated.<sup>11</sup> Shepard refused to support him and himself ran, polling 9,510 votes and throwing the election to Frederick W. Wurster, the Republican candidate, whose plurality was 2,095 votes.

In the face of great opposition Platt forced through the Legislature of 1896, where Fish was again Speaker and Timothy E. Ellsworth was President *pro tem.* of the Senate, two measures of great and lasting importance—the centralized control of the liquor traffic and the Greater New York plan.

The Raines Liquor Tax law established an entirely new policy of centralized control of the liquor traffic.<sup>12</sup> It was distinctly a high license measure, imposing a tax for hotels and saloons ranging from \$100 to \$800, according to the population. It sought to solve the problem of the Sunday demand for liquor by allowing hotels to serve liquors with meals. This offered a premium on the transformation of saloons into hotels with bedrooms and led to unlooked-for evils. On the other hand, the centralized administration greatly diminished the unlicensed traffic. Two-thirds of the revenue was turned over to the local governments and the rest kept by the State. Later the State took half. The act was bitterly denounced as an attempt to establish a Platt machine and as being unfair to the great cities.

<sup>11</sup>New York Tribune, October 6, 1895.

<sup>12</sup>Lincoln, *Messages from the Governors*, IX, p. 666.

But the system it established remained in force in spite of political changes until the coming of prohibition by Federal action in 1919.

Restriction of the liquor traffic is coeval with the State. A moderate and loosely enforced excise system satisfied the people until the rise of the temperance agitation in the middle of the last century, which took shape in the "Maine law" movement. In 1854 retail sales for drinking on the premises were restricted to taverns with accommodations for travelers, while grocers might sell liquors to be taken away. Saloons were illegal, but they flourished owing to lax enforcement. In that year a severe act of search and seizure was passed and vetoed by Governor Seymour as unconstitutional. The result was the election of Myron H. Clark as Governor and the passage of the Prohibition law of 1855. This was declared unconstitutional by the Court of Appeals the following year, and in 1857 a new system of local licensing, which allowed practical local option in towns through the election of non-licensing Commissioners, was established and with several modifications, especially with respect to New York City, remained in force until 1892. Attempts to put a constitutional amendment through the Legislature were made in 1856 and 1860 and one passed in 1861, but it failed of its second passage in 1862. The Constitutional convention of 1867 refused to recommend prohibition. Lax enforcement in New York City, where less than one-tenth of the dramshops were licensed, led to further restriction, which was resisted by the local authorities pending unsuccessful appeals to the courts.

In 1870 Governor Hoffman secured for New York City liberty to fix its own excise rates at an extremely low level. Governor Dix vetoed a local option bill because it made no distinction between spirits and light beverages. This encouraged the growth of the Prohibition party and the counter struggle for high license, which Warner Miller championed, while Governor Hill defeated all efforts for restriction. In 1890 a Prohibition amendment went through a second Legislature, but no law submitting it to the people was ever passed, and in 1892 under Governor Flower a low license law was adopted, which remained in force until the enactment of the Raines law.

The bill to establish the Greater New York was forced through only by the coöperation of the Tammany Democrats with the Platt Republicans. It passed in the Assembly, 91 to 56, with the aid of 27 Democratic votes, while 36 Republicans were against it.<sup>13</sup> It decreed consolidation to date from January 1, 1898, without solving beforehand the intricate problems of government and adjustment between the united municipalities, but left all that to a commission, which was to report a charter for the next Legislature to pass. The Mayors of New York and Brooklyn both disapproved of the measure, and a great mass-meeting, held in Cooper Union on April 28, presided over by Cornelius N. Bliss and addressed by William C. Redfield, James C. Carter, and A. Augustus Low, sent an address to the Governor declaring that it had been passed by a combination of the worst forces in State politics, over

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<sup>13</sup>New York Tribune, March 27, 1896.

the vetoes of the Mayors, and only by the vote of Assemblymen who were elected on the faith of written declarations that they were opposed to such consolidation. Three Assemblymen from Brooklyn, O. L. Forrester, Jacob A. Livingston, and Frederick G. Hughes, were declared from the platform to have made such a pledge and violated it.<sup>14</sup> In the passage of this bill the domination of the machine was particularly apparent. Three Senators, Malby, Coggeshall, and Mullin, expressed their firm conviction that the act was bad public and party policy. Nevertheless they voted for it, never expecting to see the Republicans carry the State again if they turned over the control of half the State to Tammany Hall, as they firmly believed they were doing.<sup>15</sup> Mullin and Malby later voted against passing the bill over the veto of the Mayors. The event proved, however, that Platt was wiser than his critics and that consolidation was a good thing for the city and harmless for the State.

Notwithstanding all the protests, Governor Morton signed the act. He was a Presidential candidate and he had been plainly warned by Platt himself what that implied. On January 3 Platt wrote to Morton:

"I put it mildly when I say to you that I was disgusted and disheartened when General Tracy handed me yesterday your letter to him of December 31st, relative to Greater New York. When we sought and had a conference with you at General Tracy's house on the question, it was for the purpose of having definitely settled what your position would be on this great question. . . . Now, at the very opening of the Legislature, as I have expressed it to you before,

<sup>14</sup>New York Tribune, April 29, 1896.

<sup>15</sup>New York Tribune, March 12, 1896.

you 'take to the woods' and are leaving us in the lurch. Nothing can be done in this matter if you are going to pursue the same policy that you did last year with reference to legislation in this State, and open a back-fire on our friends in the Legislature not only with certain members of the Legislature, but with the newspaper correspondents. I say to you that this whole business utterly discourages and demoralizes me; and it makes we wonder *what would be the result if you succeeded in becoming President of the United States* [Platt's italics] and had to meet such issues as are involved in the questions of the present hour, for instance the Venezuelan question and the Bond question. . . . And if you are to persist in the policy which you have outlined in your letter, we might as well quit where we are and not introduce any resolution or bill for Greater New York, but I assure you that you will be the greater sufferer from such cowardly policy. *In such case I will not feel like taking off my coat and doing the work I contemplated doing in the Presidential matter* [Platt's italics]. I might as well be frank with you now. If matters of legislation are to be run on the issue of the Presidential candidacy, it will be impossible for us to accomplish anything upon any questions which involve sharp differences of opinion, however strongly the balance may be in favor of the course which the organization is recommending."<sup>16</sup>

*Harper's Weekly* of February 15, 1896, thus described Morton's situation:

"He will have to sanction all the legislation devised by Mr. Platt to the end of bringing about the political death of all of Mr. Morton's own respectable friends; to deliver the city of New York, bound hand and foot, into the hands of the Platt-Tammany robber partnership, and so on. He will have to do all this, and who knows what more? For we cannot repeat it too strongly—if he fail in anything, all he had done will go with Mr. Platt for nothing. This is the price at which, judging from present appearances, Governor Morton will be permitted to stand in the national Republican convention as the candidate of New York. . . . Not only will such association repel from

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<sup>16</sup>Platt, *Autobiography*, p. 307 *et seq.*

him self-respecting people, but Mr. Platt, whenever he deems it to his advantage, will not hesitate a moment to sell off Governor Morton to the highest bidder, and to drop him as a miserable wreck by the wayside."

How true this was everybody but Morton saw without waiting for Platt's later acknowledgment that the whole thing was a game of bringing forward "favorite sons" to combine the field against McKinley.<sup>17</sup>

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<sup>17</sup>Platt, *Autobiography*, p. 403.











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